

ZB# 93-6

**Bryant Harris /
Floyd Johnson**

67-1-2.22

Prelim:

March 22, 1993

Need copy of

① Need it here

② Title Report ~~it~~

③ Photographs.

④ Fees: \$50.00 & Paid 4/3/93
\$200.00 3/31/93.

Aps. furnished.

Notice to Sentinel 4/16/93.

Public Hearing:

May 10, 1993.

Adj. to May 24, 1993

Conceptual layout
of proposed
residence.

P. H. - May 24, 1993 -

Application for
3 area variances
approved

(82-17-)

addl.

\$ 231.50 due.

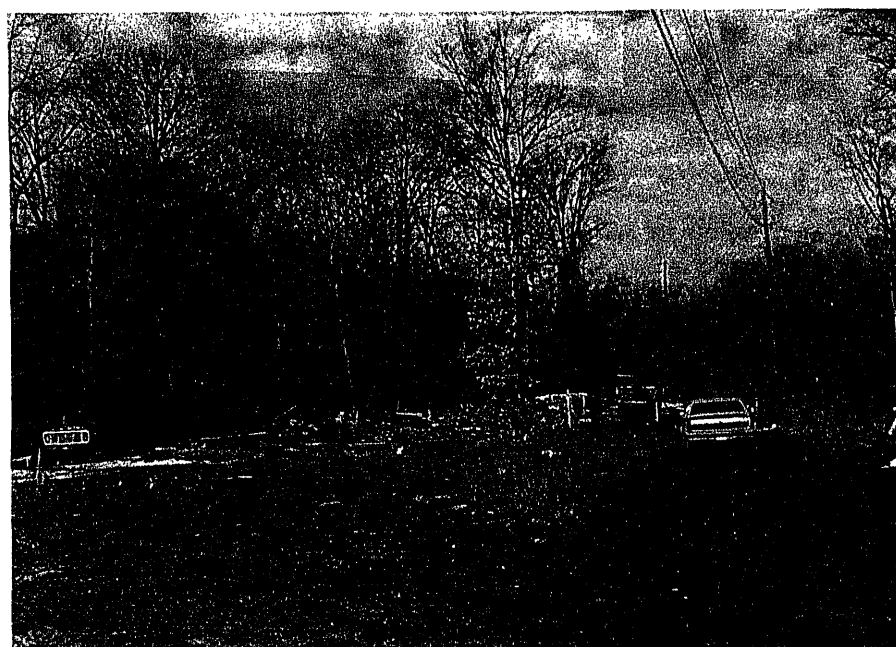
Paid

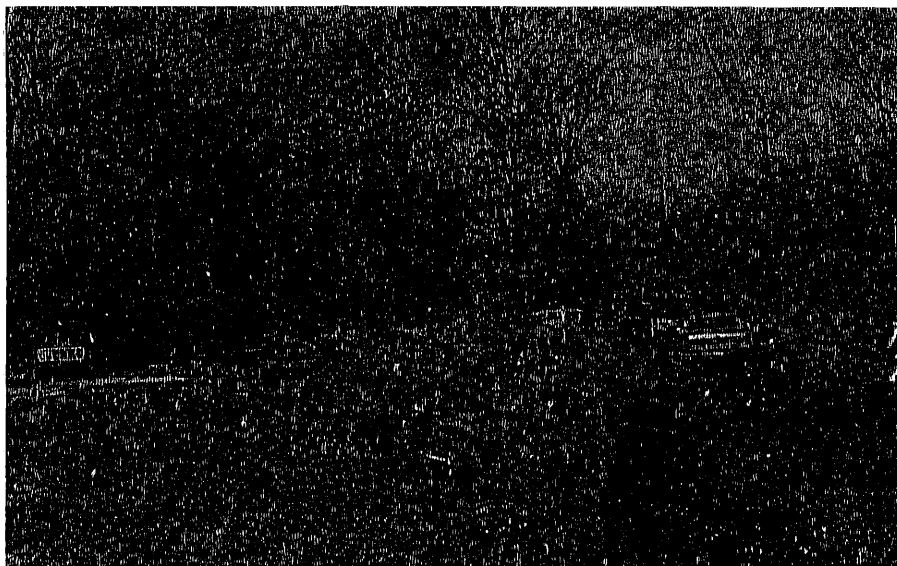
ck. # 1308

12/7/93.

file MB

#93-6-Harris, Bryant / Johnson,
area. Floyd.

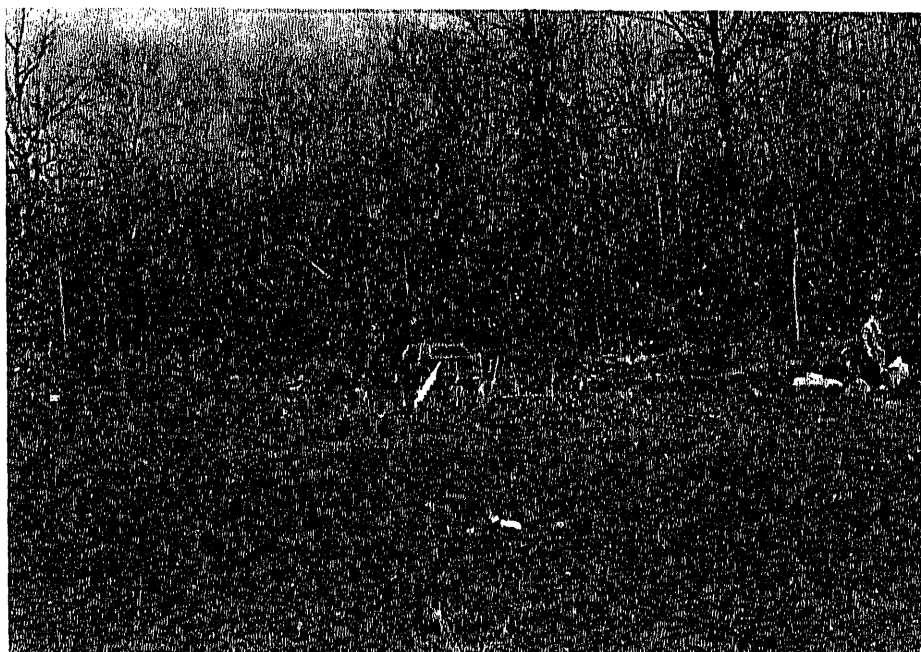




C.O. #227 Detrilled

TOWN OF NEW WINDSOR 555 Union Avenue New Windsor, NY 12550		GENERAL RECEIPT		13241
		March 31		19 93
Received of		Kloye Johnson		\$ 50.00
		Lefty and 00/100		DOLLARS
For		Zoning Board Application Fee. #93-6		
DISTRIBUTION:				
FUND	CODE	AMOUNT		
CE#2544		50.00		
			By	Pauline H. Townsend
				Town Clerk
				Title

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#43 to 44
area.

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT:

Harris Bryant (Tammy)
Floyd Johnson

FILE # 93-6.

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE

\$ 50.00 pd. 3/31/93

* * * * *

CE # 2544

ESCROW DEPOSIT FOR CONSULTANT FEES

\$ 250.00 pd. 3/31/93
ck. 2545

DISBURSEMENTS -

STENOGRAPHER CHARGES:

PRELIMINARY MEETING - PER PAGE 3/22/93 - 6 pages . . . \$ 27.00
2ND PRELIM. MEETING - PER PAGE . . . \$
3RD PRELIM. MEETING - PER PAGE . . . \$
PUBLIC HEARING - PER PAGE 5/10/93 - 21 pages . . . \$ 94.50
PUBLIC HEARING (CONT'D) PER PAGE 5/24/93 . . . \$
TOTAL \$ 121.50

ATTORNEY'S FEES:

PRELIM. MEETING- .1 HRS. \$
2ND PRELIM. HRS. \$
3RD PRELIM. HRS. \$
PUBLIC HEARING .2 HRS. \$
cont'd. PUBLIC HEARING .1 HRS. (CONT'D) . . . \$
FORMAL DECISION 2.0 HRS. \$

TOTAL HRS. 2.4 @ \$ 150.00 PER HR. \$ 360.00
TOTAL \$ 360.00

MISC. CHARGES:

TOTAL \$ 481.50

LESS ESCROW DEPOSIT . . . \$ 250.00
(ADDL. CHARGES DUE) . . . \$ 231.50 (due)
REFUND TO APPLICANT DUE . . \$

(ZBA DISK#7-012192.FEE)

paid
12/1/93



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

(914)563-4630

Date: Aug. 10, 1993
FAX: 914-563-4693

RE: ZONING BOARD OF APPEALS - APPLICATION # 93-6.

Dear ZBA Applicant:

After computation of the consulting fees that were posted with your application before the Zoning Board of Appeals, the Board found that there are additional fees due and owing in the amount of \$231.50. (A copy of the computation list is attached).

In order to obtain a copy of your formal decision, this amount will have to be paid immediately.

Please forward a check in the above amount and I will be happy to furnish an executed copy of the formal decision.

Very truly yours,

PATRICIA A. BARNHART, Secretary
Zoning Board of Appeals

/pab

Attachment

(ZBA DISK#7-031292.FEE)

NEW WINDSOR ZONING BOARD OF APPEALS

(67-1-2.22)

-----X

In the Matter of the Application of

DECISION GRANTING
AREA VARIANCES

BRYANT HARRIS & ELLA MAE HARRIS
/FLOYD JOHNSON,

#93-6.

-----X

WHEREAS, BRYANT HARRIS AND ELLA MAE HARRIS, P. O. Box 525, Riley Road, New Windsor, N. Y. 12553, as owners, and FLOYD JOHNSON, P. O. Box 662, Newburgh, N.Y. 12550, as contract purchaser, have made application before the Zoning Board of Appeals for a 9,801 s.f. lot area, 15 ft. front yard and 20 ft. rear yard variances in order to construct a single-family dwelling on a vacant lot located on Dean Hill Road in an R-3 zone; and

WHEREAS, one of the applicants, BRYANT HARRIS, previously presented an application for two lot area variances of 9,911 s.f. for Lot #1 and 9,911 s.f. for Lot #2 to the Zoning Board of Appeals, under File #87-17 at a public hearing which was held on the 11th day of May, 1987, and at the conclusion of said public hearing, this Board voted on a motion to grant the variances requested by the applicant, and the motion carried, and subsequently, this Board adopted a Decision Granting Area Variances, dated June 8, 1987 on said application, which was predicated upon former Section 267 of the Town Law of the State of New York, as it was in effect prior to July 1, 1992, and this Board hereby incorporates the record and decision on said prior application herein to the extent that the findings and conclusions therein have not been rendered moot by the subsequent amendment of the Town Law of the State of New York which repealed the said former Section 267, and added in its place new Sections 267, 267-a, 267-b, and 267-c, all effective as of July 1, 1992; and

WHEREAS, the applicants on the instant application, BRYANT HARRIS and ELLA MAE HARRIS, as owners, and FLOYD JOHNSON, as contract purchaser, now make application to the Zoning Board of Appeals, subsequent to the aforesaid amendments of the Town Law of the State of New York, now seek 9,801 s.f. lot area, 15 ft. front yard, and 20 ft. rear yard variances for Lot #2, i.e. one of the two lots which was the subject of the prior lot area variance, pursuant to the amended provisions of said Town Law, as the same are in effect after July 1, 1992; and

WHEREAS, a public hearing was held on the 10th day of May, 1993, and was adjourned to and continued on the 24th day of May, 1993 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicants ELLA HARRIS and FLOYD JOHNSON appeared at the hearings and spoke in support of the application; and

WHEREAS, there were three (3) spectators appearing at the May 10, 1993 initial public hearing, to wit, Mr. Richard P. Fitzpatrick of 168 Riley Road, a neighbor, objected to the requested variance because he believed that granting the same would allow the area to be degraded by allowing lots that were too small, houses too close to the road, and creating well problems because the septic fields were too close to the rear. He further objected because in his view, the neighborhood consisted of houses set back from the road on large lots and this applicant proposed a large house on a tiny lot. Mr. Gregory M. Lynady of 262 (85) Riley Road, objected to the construction of the single family dwelling because he felt it would aggravate an existing drainage problem in the area since he already has a problem with water in his basement. Upon learning that the applicants intend to install catch basins and that the drainage actually flows from the applicants' lands away from the Lynady property, Mr. Lynady withdrew his objection to the instant variance application; and

WHEREAS, the Zoning Board of Appeals has received a copy of a letter dated May 1, 1993, addressed to Ms. Myra Mason, Town of New Windsor Planning Board, from William McDonnell; who owns property which abuts the subject lot. Mr. McDonnell's letter requested that any variance be granted subject to the removal and cleaning up of debris on the Harris/Johnson lot. The letter also asked about Planning Board requirements for bonding the road, an issue not relevant to this Board's consideration. The third spectator, Ms. Carrie Wilson of 266 Riley Road, did not speak either for or against the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission to vary the provisions of the bulk regulations relating to lot area, front yard and rear yard in order to construct a single-family dwelling on a vacant lot located in an R-3 zone.

3. The evidence presented by the applicant substantiated the fact that a variance for less than the allowable lot area, front yard and rear yard would be required in order for the applicants to be able to construct a single-family dwelling on the applicant's vacant lot which otherwise would conform to the bulk regulations in the R-3 zone.

4. The evidence presented by the applicants indicated that one of the applicants, BRYANT HARRIS, apparently subdivided this property in August 1987 which is indicated on a stamped map showing that the New Windsor Planning Board granted final site plan approval on August 19, 1987. The map also referred to the previous lot area variances granted on June 8, 1987. It appears from the evidence presented by the applicants that a single family residential dwelling was constructed on Lot #1 pursuant to

the lot area variance previously granted thereon by this Board.

5. The evidence presented by the applicants further indicated that construction was not commenced and diligently pursued by the applicant on Lot #2 within 12 months after the date of the granting of the previous lot area variance thereon. Consequently the said variance became null and void pursuant to the provisions of the Zoning Local Law of the Town of New Windsor, New York Section 48-34G.

6. It is the finding of this Board that the instant application for a 9,801 s.f. lot area variance is substantially the same as the prior variance application for a 9,911 s.f. lot area variance for Lot #2. Apparently, recomputation has revised downward slightly the requested lot area variance but the configuration of the lot remains the same as the lot seen by this Board on the prior lot area variance application.

7. The evidence presented by the applicants at the public hearing indicated that they sought a 15 ft. rear yard variance on this application in addition to the slightly revised 9,801 s.f. lot area variance because, when the applicant, JOHNSON, the contract purchaser, began drawing his construction plans, it appeared that he could not locate an adequate size house within the required front and rear yard set backs. Lot #2 has wedge shape and, as a result, a house which conformed to the required set backs would have to have a pie-shape. → FRONT
YARD AND
A 20 FT.

8. The evidence presented by the applicant further indicated that a pie-shape house which conformed to the irregular lot size would not be useable, would not be aesthetic, and would still be too small to be constructed economically. The applicant indicated that a house on this lot would have to have at least three bedrooms to be constructed economically. This would be similar in size to other houses in the neighborhood.

9. The evidence presented by the applicant indicated that if all the requested variances were granted, the proposed house could be constructed economically on this lot. It would have the same lot area as the adjacent Lot #1. It would have smaller front and rear yards than some of the houses in the same area, but on balance, it would generally conform with the houses in the area and it would be able to have a garage and a deck, also like neighboring houses.

10. The Board considered turning the house to locate the same parallel to the rear line in order to ameliorate the impacts of the front yard variance but this alternative was rejected. It appeared that such alternatives would not reduce the visual impact of the front yard variance significantly and it would make the resulting house look out of character with the neighboring houses.

11. This Board has considered the objection raised by Mr. Fitzpatrick at the public hearing. This Board having previously granted similar lot area variances on Lot #1 and Lot #2 is hard pressed to find any significant change in circumstances which

would warrant the denial of the instant lot area variance application. Final site plan approval was obtained by the applicant, BRYANT HARRIS, in 1987 and a house has already been constructed on the similar size Lot #1. The mere passage of time and the expiration of the prior lot area variance on Lot #2 does not appear to have allowed any significant change in the neighborhood which would warrant denial of the instant lot area variance.

12. This Board finds the instant front yard and rear yard variances to be more troublesome. This Board views with some concern the change in the character of the neighborhood which Mr. Fitzpatrick raised. However, given the similar size Lot #1, which is immediately adjacent, and which already is improved with a single-family dwelling, the neighborhood already has an undersize lot. To deny this lot area variance would deny the applicant relief to which he was intitled under prior law. The applicant's argument that it would be uneconomic to construct a pie-shaped house which conforms to the setbacks has convinced this Board that the requested front yard and rear yard variances should be granted also on balance. This Board finds that there will be less adverse impact on the character of the neighborhood by granting the requested variances than by denying the same and merely forcing the applicant to construct an odd shaped and odd looking house, if indeed such a house could be economically constructed.

13. By granting the requested area variances, it appears that this Board will permit the applicant's proposed house to look more like the other houses in the neighborhood than would be the case if the variances were to be denied.

14. The evidence also indicated that applicant attempted to purchase additional land adjacent to this lot but the neighbor declined to sell any adjacent land and stated that he wanted to save the lot for his son.

15. It is the finding of this Board that the requested area variances, if granted, will not blight the proper and orderly development and general welfare of the community since Applicant JOHNSON has designed and will construct a residence which will conform, as much as possible to the existing character of the neighborhood, within the constraints set by the small size and to the odd shape of the lot in question.

16. The evidence presented by applicant substantiated the fact that the variances, if granted, would not have a negative impact on the physical or environmental conditions in the neighborhood since the proposed two-story residence, is designed to ameliorate, as much as possible, any negative impacts on the neighborhood by the granting of the requested area variances.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The requested variance will not produce an undersirable change in the character of the neighborhood or create a detriment

to nearby properties.

2. There is no other feasible method available to applicant which can produce the benefit sought other than the variance procedure.

3. The requested variances are substantial in relation to the bulk regulations for lot area, front yard and rear yard. However, it is the conclusion of this Board that the granting of the requested substantial variances are warranted here because the construction of a single-family dwelling on the subject lot would be the most suitable use for this undersized and unusual shaped lot and that this has minimal adverse impacts upon the neighborhood and the applicant, given the prior area variance and site plan approval and considering the economics of constructing an odd-shaped house.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the applicant faces in conforming to the bulk regulations is a self-created one since applicant HARRIS previously subdivided the lot thereby creating the undersized lot. As part of this process, the applicant, HARRIS, obtained the required lot area variance but allowed the same to expire before he commenced construction. However, the applicant is now in the process of correcting this situation by the appropriate application to this Board.

6. It is the finding of this Board that the benefit to the applicant, if the requested variances are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

7. It is the further finding of this Board that the requested lot area, front yard and rear yard variances are the minimum variances necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variances.

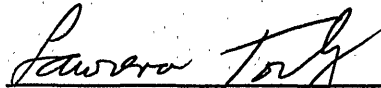
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 9,801 s.f. lot area variance, a 15 ft. front yard variance and a 20 ft. rear yard variance to construct a single-family dwelling on the applicant's vacant lot located on Dean Hill Road in an R-3 zone as sought by applicants in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: August 9, 1993.



Vice Chairman

(ZBA DISK#8C-021993.QH)



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

(914)563-4630

July 14, 1993
FAX: 914-563-4693

Mr and Mrs. Bryant Harris
P. O. Box 525
New Windsor, N. Y. 12553

Mr. Floyd Johnson
P. O. Box 662
Newburgh, N. Y. 12550

RE: APPLICATION FOR AREA VARIANCES
#93-6

Dear Applicants:

This is to confirm that the Zoning Board of Appeals at its May 24, 1993 meeting voted to GRANT (1) 9,801 s.f. area, (2) 15 ft. front yard and (3) 20 ft. rear yard variances.

Formal decision will be drafted at a later date and acted upon by the Board. You will be receiving a copy by return mail.

Very truly yours,

PATRICIA A. BARNHART
Secretary

/pab
Enclosure

cc: Michael Babcock, B. I.

Date 6/4/93, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 389 Moores Hill Rd DR.
New Windsor Ny 12553

DATE			CLAIMED	ALLOWED
5/24/93	Zoning Board Meeting		75 00	
	Minutes - Misc - 2			
	Harnett - 4 10.00.			
	Maroulis - 5 - 22.50.			
	Lanzoni - 9 40.50			
	Mugnano - 6 - 22.00.			
	Harris - 5 22.50			
	Peters - 15 67.50.			
	<u>46</u>		207 00	
			325 00	

PUBLIC HEARING

HARRIS/JOHNSON - PUBLIC HEARING CONTINUED

MR. NUGENT: Request for 9,801 s. f. area, 15 ft. front yard and 20 ft. rear yard variances to construct single family residence. Board requested a conceptual layout of proposed building.

Mr. Johnson appeared before the board for this proposal.

MR. NUGENT: This is a continuation for a public hearing already started. You have it, okay, you can show it.

MR. JOHNSON: It's not completely done but this is what I am working on. The size is approximately 40 by 81, the outermost part of the building is what I am dimensioning. This is without the garage, it's about 21 a little over 21 square feet, the problem I have like I said because of the shape of the property, taking those dimensions, it doesn't leave much room for if you want to add a deck later on and whatnot if you can.

MR. TANNER: If you want to add a deck you'd have to be back here again.

MR. JOHNSON: I can't put any kind of deck coming off the dining room or the back part of the house so with the 20 setback, it gives me a little room to like add decks or anything else that I might want to do around the house.

MR. TORLEY: What side is the roadside?

MR. JOHNSON: This is the roadside.

MR. TORLEY: One of the things we were talking about and I leave it to your judgment was whether it was if you rotated it so it's parallel to the back line rather than the front line.

MR. JOHNSON: You still have to point here because all

the room is down here because even if you shift it, you still have this point being you know that close, you know, I would still be the 20 feet or you know 30 at the most farthest point back.

MR. LUCIA: The thrust of that line of questioning was to reduce the visual impact, not the variance.

MR. TORLEY: But the other houses that face that road are also parallel to it so by doing it in this direction you're parallel with the rest of the houses.

MR. JOHNSON: Right everybody is sitting the same way we thought about turning it, it just doesn't look right if I am not facing the same as everybody else. If you turn it, it just doesn't look right. I have the garage this way being that we got into such a debate about the setback and I moved the garage in with the rest of the building to solve that problem because other than it sat up here and it was 20 feet so there's a little more room we can buy but not much.

MR. TORLEY: So now the front yard I can't quite read the dimension.

MR. JOHNSON: Well, the 20 around it makes it comfortable. If we go less than that, even if we change the position, it's still leaves a lot, makes it unusable.

MR. TORLEY: The inner set of dashed lines would be what's the code requirement correct?

MR. JOHNSON: No, the most inner line I can get was 30 but I can't reach the 35. 20 is what I am asking for in order to give me room for decks that way if I want to add on the back side of the house or in front.

MR. NUGENT: You're asking for 15 foot front and 20 foot rear.

MR. LUCIA: Actually the map he has does not show the zoning requirement, it shows 2 alternative variance proposals.

MR. NUGENT: He needs 35 in the front.

MR. LUCIA: Supposed to have 35 in the front.

MR. NUGENT: So he is using the 30 or 20.

MR. JOHNSON: I want to use the 20.

MR. TORLEY: How far back off this road do they sit?
Are they also about the same distance off the road?

MR. TANNER: They are farther back, they are more than
35 most of them.

MR. JOHNSON: Except for the one across the street that
added two garages to their property, I think they are
about 30, they are up a little closer.

MR. HOGAN: There's a bend in the road right there too.

MR. BABCOCK: Right after actually it's going to be
straightened out.

MR. TORLEY: The bend would be going around the side of
the house.

MR. JOHNSON: Twisting it would not help everybody else
is going to be sitting towards the road and I'm going
to have the only house that is cockeyed.

MR. TORLEY: With the curve in the road he doesn't wind
up having a corner lot.

MR. BABCOCK: No.

MR. TORLEY: I think you have gone a long way to try to
meet your neighbor's problems and put a nice size house
on the lot. The lot is a strange shape and you've done
the best you can on a strange shaped lot.

MR. JOHNSON: Turning it and trying to looking at how
we could set it on there but to me that is going to be
worse than me you know setting it back or closer to the
to the road if I turned it.

MR. NUGENT: I missed the preliminary.

MR. LUCIA: I think we had the first public hearing we really covered everything there was I think one member of the public expressed a concern about character of the neighborhood and that was the reason the board asked the applicant to bring in some sketches.

MR. LANGANKE: Was that person within the area that notices were sent out for?

MR. LUCIA: I think he was because he pointed to his lot on the tax map, he's just across Riley Road.

MR. JOHNSON: He will not be able to see my house from his house which is funny because he's talking about there's a row of trees on the other lot and there's no way he is going to be able to see me so it is funny for him to bring that up about me sticking out on the road.

MR. LUCIA: Somebody else complained about drainage but he was uphill from your lot.

MR. JOHNSON: He wasn't even near me.

MR. BABCOCK: Mr. Peterson was on the list he was notified.

MR. TORLEY: Anyone from the public hearing tonight?

MR. NUGENT: Nobody here.

MR. HOGAN: I'm satisfied.

MR. NUGENT: Motion to close the public hearing and entertain a motion.

MR. TANNER: I make a motion we grant the variance.

MR. TORLEY: I guess it's 3 area variances.

MR. TANNER: All three.

MR. HOGAN: Second it.

May 24, 1993

30

ROLL CALL

MR. TORLEY	AYE
MR. NUGENT	AYE
MR. TANNER	AYE
MR. HOGAN	AYE
MR. LANGANKE	AYE

MR. TORLEY: All the bricks are going to be gone?

MR. JOHNSON: They have been cleaning the lot all day, the bricks we need, I told them just put them on pallets and cover them up. It doesn't look like it's a dumping ground.

MR. LUCIA: They'll be used on this house, is that what you're saying?

MR. JOHNSON: We're going to use some of the bricks.

MR. HOGAN: I have went by there, he's absolutely right, they are piling them.

Date 5/21/93, 19.....

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO FRANCES BOTH 389 MOORES HILL RD DR.

New Windsor Ny 12553

DATE		CLAIMED	ALLOWED
5/10/93	Zoning Board Meeting	75	00
	Misc - 2		
	KWG - 12 - 54.00.		
	Leidy - 4 - 18.00		
	Harris - 21 - 94.50.		
	Collins - 6 - 27.00.		
	<u>45</u>	202	50
		<u>322</u>	<u>50</u>

PUBLIC HEARINGS:

HARRIS/JOHNSON:

MR. TORLEY: Request for 9,801 s. f. area, 15 ft. front yard and 20 ft. rear yard variances to construct a single family residence on Dean Hill road in an R-3 zone.

Mr. Johnson and Ms. Harris appeared before the board on this proposal.

MR. LUCIA: One thing I noticed in looking over your file, I think when Mr. Johnson and Miss Harris were here the last time, we thought this problem arose because of a change in the zoning. And I gather from looking at the file that is not true. Apparently, the Harris' subdivided this property in August of 1987 and there's a map stamped by the Planning Board showing subdivision approval, that map has a note on it saying variance for proposed minimum lot area has been granted by the Zoning Board of appeals by resolution dated June 8, 1987. So apparently there's a prior variance for lot area. But not for the front yard and rear yard setbacks also. So it changes somewhat the history of it but the lot area apparently once was approved but they haven't built so they have to come back for the variance again.

MR. TORLEY: Variance has expired.

MR. LUCIA: Right. I think you mentioned the application I'd like you to spell it out for the board that you checked with one of your neighbors to buy additional land, see if you can increase the area and cut down on the setbacks, is that correct?

MR. JOHNSON: Right, he doesn't want to sell, he's saving it for his son.

MR. LUCIA: Do you know if the notices on this was published in the Sentinel? I didn't see a copy.

MRS. BARNHART: Yes, it was.

MR. LUCIA: If you would just lay out for the board I know you did this at the preliminary, why it is you need variances.

MR. JOHNSON: Setbacks that they have doesn't leave me much room because it's 35 in the front and 40 in the back, it makes for a, if you want to put a house in sort of small area unless you make the house like a pie. So if I can get you know a few more feet on the setback, it gives me room to put a decent size house in and construct something within 41 to 81 feet in that area.

MR. TORLEY: Can you find the original zoning variance?

MRS. BARNHART: I don't know if I have got it out of the file.

MR. TORLEY: Wanted to ensure that the original variance if it had any conditions on it. Before we write the formal decision, check that.

MRS. BARNHART: If you have that maybe you have a formal decision in there too. Did I give you a copy of the formal decision?

MR. JOHNSON: No, I don't remember seeing it.

MR. TORLEY: It's really more to be sure that we keep everything covered what we said in '87 whether anything is sent there has a bearing now. To your knowledge, nothing would bear on this?

MRS. HARRIS: No, I don't think so.

MR. JOHNSON: No. This is what we had to do.

MR. LUCIA: Thank you for dropping off copy of your deed and title policy, that turns out certain restrictions and covenants and easements of record. Is there anything affecting the title to this property to your knowledge which would prohibit you from maintaining the structure concerning which you are now seeking a variance?

MR. JOHNSON: No, it's clean.

MR. LUCIA: Do you have photographs of the site?

MR. TORLEY: Yeah, they are going around somewhere.

MR. TORLEY: Gentlemen have any questions now or should I open it up to the public?

MR. LUCIA: Do you feel an undesirable change will be produced in the character of the neighborhood or detriment to nearby property will be created should the board grant the area variances you are seeking?

MR. JOHNSON: I don't feel it would.

MR. LUCIA: Is the benefit which you seek achievable by some other method feasible for you to pursue other than an area variance?

MR. JOHNSON: No.

MR. LUCIA: Is the requested area variance substantial that is in terms of numbers?

MR. JOHNSON: For the setbacks that I am asking for, yes, they are.

MR. LUCIA: But you feel you are boxed in because of the unusual shape of the lot and you need to get a decent size house on it?

MR. JOHNSON: Right.

MR. LUCIA: And as to the area variance that was once previously approved when the subdivision was--

MR. JOHNSON: Right but that would be for a very small how is because of the size so if you follow the lines down and you go 35 and 40, you start getting any kind of footage back, you're going to be down to somewhere around 24, house just gets narrow and you'll have a lot of space on this but you won't have too much on the other side to do anything.

MR. LUCIA: Do you feel the proposed variance will have an adverse effect or impact on physical or environmental conditions in the neighborhood or district?

MR. JOHNSON: No.

MR. LUCIA: And was this difficulty self-created? Did you cause, I realize that is difficult dealing with proposed construction, I guess on the area variance it was because you got it and allowed it to expire but you're back here seeking it again on the front and rear yard, it is self-created cause you want to do something that you know is more than what you're permitted to do on the lot but you feel that if you were to build a house that conformed to the front, rear setbacks, it would not be worth constructing, is that what you're saying? It would be too small to be usable?

MR. JOHNSON: It would be a very small house.

MR. LUCIA: And would it be uneconomical to construct a house that small, could you get your money back out of it?

MR. JOHNSON: No because most people want at least a 3 bedroom house.

MR. LUCIA: And you couldn't do that without the--

MR. JOHNSON: This is pretty tight.

MR. LUCIA: You could not do that without the front and rear yard variances?

MR. JOHNSON: Right. Personally I feel like I need a little more room than that.

MR. LUCIA: Thank you.

MR. TORLEY: Open up to the public. Before we do that, I have a letter, it's addressed to the Planning Board but relevant to us, I guess. My wife and I own lot 1, block 1, section 67 on Dean Hill Road and abutted to the above parcel. We received notices on the May 10,

1993 hearing for the variance, would like to express our concerns. As you know, we have applied for two lot subdivision of our parcel. During a site visit in March of 1991, tPlannig Board noticed debris and apparent dumping taking palce on what they thought was our lot. As it turned out, this debris was located on the Harris/Johnson parcel. We would hope that any variance would be granted subject to the removal and cleaning up of this debris, if it has not already been taken care of. Dean Hill Road is not paved for the entire length of our property and our subdivision has been elayed for this reason. I believe a portion of the ronts on an unpaved portion of Dean Hill Road we asll. It is our understanding that town law requires a bond to be posted so the town road can be brought up to town road sub base specifications before any construction can begin. I am wondering whether the planning board will required the Harris/Johnson lot to post a bond for road improvement before granting a variance. In the event we are not able to be at the meeting or have a representative there I will be in touch with you to learn the outcome of the variance request. Very truly yours, William McDonnell. Is the debris gone that he is referring to?

MR. JOHNSON: They are talking about some bricks. Mrs. Harris' brother is putting them up to sell, he's in the process of bundling them up.

MR. TORLEY: As to the road question, that is, do you have anything you wish to say on that, Mike?

MR. BABCOCK: No, I think you need to talk to the Planning Board or Highway Superintendent.

MR. TORLEY: Is there anyone in the public who wishes to comment?

MR. FITZPATRICK: Concerning this, I'm very ill at ease so bear with that. I oppose this particular construction and it's for a very emotional reason. You gentlemen, ladies, may think that the area that you live in New Windsor is the most attractive. Unfortunately, you're wrong. This particular area in New Windsor is absolutely gorgeous. And houses there

as a rule are very well built, very well maintained, they are generally good sizes. If we allow a house or a lot to be built smaller we're going to degrade that particular area. We're going to be opening up a can of worms. We have an area that is just emotionally beautiful and this particular parcel is undersized. What's going to happen is that other people in that particular area may want also because this is the first small piece of land now also smaller pieces of land houses in that area it's going to degrade the entire area.

MR. TANNER: Do you know of more lots in that area that are substandard at the moment?

MR. FITZPATRICK: I don't know what you mean by substandard.

MR. TANNER: That would need a variance to build a house on?

MR. FITZPATRICK: No, I'm not familiar with it. What I am saying there's a minimum size that you have by law here and it's being maintained. If you allow this particular variance to be granted, you're going to allow other smaller lots to be granted also. There's going to be denigration of the area. It's a residential area and it's absolutely beautiful.

MR. TANNER: What we're doing is we are not considering other lots.

MR. FITZPATRICK: I'm talking about this particular one, the first point asked of these people--

MR. TANNER: Can I finish, please? These people are in with a lot that exists and we're considering an existing lot. We're not considering someone coming in here with a lot that is there and saying I want to make it smaller and put two small houses on it.

MR. FITZGERALD: What's going to happen is that this house is going to be closer out to the road, it's denigrating to the area. The best example is the first question that was asked of this couple here it is

denigrating to the area, yes, it's because that road Dean Hill is not complete as you know currently it's a dead end but it's on the maps able to be extended. That house is going to be out on the end of Dean Hill are you're going to have the ability now if a house is put in a position like this one will be other houses then to be done this house is not going to be conforming with the area, the houses in the area are of a certain size on certain lots, they have adequate supply for well, this has got less than necessary for well water. I don't know how to cause I don't know what the specific rules are in here and I told you from the start this is an emotional issue because I live there. I think if you had seen in your own neighborhood the possibility for construction that is substandard which is--

MR. TANNER: What I am hearing you say you're concerned that if this man is granted a variance that you are going to see other homes substandard going into the area.

MR. FITZPATRICK: No, I'm going to see this as a denigration of an area, I'm only about 200 possibly 300 feet from this particular lot.

MR. TORLEY: Would you point where you are on the map?

MR. FITZPATRICK: I'm right down the road from Dean Hill.

MR. LUCIA: We don't have a lot number on this particular section of the tax map. If Dean Hill Road were extended through Rily Road, would that go into your lot, is that what you're saying?

MR. FITZPATRICK: Yes, what's going to happen this entire area as you see all the lots are a good size, all the houses along the area are set in, it's a beautiful area. Having the house set further out like this, this road of Dean Hill will be eventually completed. It may take 20, 30 years, I'm not planning on moving, I'm pretty young. What we're going to see is the degradation of the area just by this one house.

MR. TANNER: Would you rather see a smaller house on that lot?

MR. FITZPATRICK: Yes, instead of changing what the area looks like now, the houses are set in nicely, if you haven't driven down there recently.

MR. TANNER: I have.

MR. FITZPATRICK: You know that it is probably one of the most beautiful areas in the Town of New Windsor what's goint to happen, they are too close to the road, it's going to look weird. If it has got proper shrubbery around it and it's a big house, it's going to denagrate the entire area, all the houses are set in nice in the area. They have plenty of room. If the guy gets a house that conforms with the standards of the area, that is fine. But if it is allowed to build a large house and it's sticking out on the road and imposing on the rear property, I don't want to call it a nice one but it's going to look the best I wish I knew how you phrase it, it's going to denagrate.

MR. LUCIA: If you are referring to the first standard, whether undesirable change will be produced in the character of the neighborhood.

MR. FITZGERALD: It will be.

MR. LUCIA: You seem to address your comments to the frontage, is it only the front yard setback that you are basically opposed to or also lot area and the rear yard setback?

MR. FITZPATRICK: It's also if the house is permitted to be larger than the property permits, what's going to happen? We take several years down the road most of the people in the area are putting property lines up whether it's fence or shrubbery we're going to have if a larger house is put in there excuse me, a monstrosity. It's going to be a large house on a little tiny lot. Right now you drive down the road and what you see are for the area normal houses set back evenly spaced, it's emotional, kids are playing out on the front lawn, bicycles are running off the road and

on to the yards, it's an emotional issue and this would be if it is a larger house pushing on the road pushing on the back you have got shrubbery and the fence, it's going to be a monstrosity. It should conform to the general standard houses of the area, if it has to be in 35 or 75 feet which I don't know what it has to be it should conform to the other houses.

MR. LUCIA: For the lot area he probably could build a house to conform to the front and rear setback it would just be an odd shaped house. I'm not sure which would have a greater impact. Would you rather have the house conforming but be kind of a pie shaped house or would you rather have a standard looking house that would be intruding on the front or rear yard setbacks.

MR. FITZGERALD: We don't have a subdivision over there of cookie cutter houses. We have a nice A frame down the street, we have raised ranches, we have single ranches, they are not cookie cutter houses so you have a good point. They are not all uniform so I don't know.

MR. LUCIA: I'm just trying--

MR. FITZPATRICK: I hadn't thought about that but there should be enough room if he builds so that it looks similar to the other houses set in separated from the other houses so it's not that he shouldn't build it maybe an odd house but if it imposes on the neighbors, I'll give you an example, it's emotional. I'm out in the back yard. If I am barbecuing I wouldn't want my neighbors when they are barbecuing to impose their music on me. That is why we have these minimum standards of distances from neighbors so I don't want a monstrosity where it sits out on the road and imposes on somebody else. People are going to be driving around when I want to sell my house they are going to go what's that so--

MR. JOHNSON: WHY do you think I'm going to build this monstrosity?

MR. FITZPATRICK: I'm not a public speaker and I'm not a lawyer so I may be using the wrong words but I think

I'm getting across to you folks that it shouldn't be so unusual from the way that the rest of the houses are set up in the area. We also have trailers there, they are set back all the houses are equal distance back.

MR. TANNER: I understand what you're saying and I share your concern. I've just been in neighborhoods where someone builds a house that is so out of character for the neighborhood just because that is what they can get on a lot and that is a nice neighborhood, I know they don't have to be approved for that if he meets the zoning.

MR. TORLEY: He can put up a little wedge shape thing 2 room bungalow. What the gentleman is trying to do is get a variance so he can put up a house and please don't let me put words in your mouth you wish the variance so you can put up a house that could be commercial of a size similar to the rest of the houses in the neighborhood so it would be marketable about the same size as the other houses, it's going to happen to be a few feet closer to this road than the other houses that is the primary thing.

MR. FITZGERALD: Just by being closer to the roads it's going to stick out. I'll tell you my original intent was if possible because it's undersized to try to convince you guys not to do it because I'm concerned about the water supply in the area, the services in the area but then while talking to you, I realize it's not fair to tell someone they can not have their house but while I have the house there and somebody else can do it I would really hate to see my house and the neighborhood diminished I think is the word.

MR. LUCIA: One of this board's obligations is basically between the owner's interest and right to develop his lot for some purpose since he's obviously paying taxes on it and the lot has some value, and the imposition on the strict letter of the building regulations. We appreciate your input, I think unless you have, I think I've made the board aware of your concerns and basically we just have to weigh it.

MR. FITZPATRICK: I hope too large a house is not

permitted, well, thank you.

MR. GREG LINEDY (PHONETIC): 262 Riley Road, or 85 Riley Road, with the new 911 system. Which lot are we talking about? There's four different lots over, there if I am not mistaken? So is this would be on the south side?

MR. TORLEY: South side of Dean Hill.

MR. LINEDY: There is a water problem over there already cause I get water in my basement. There's no drainage there.

MR. JOHNSON: We have drainage on my side.

MR. LINEDY: You're going to drain it down.

MR. JOHNSON: I'll put catch basins down there. We already have I think 3 over there and we continue it up and put more catch basins in. I'm aware of the water problem that you are speaking of so that is why.

MR. LINEDY: Used to be and still is.

MR. JOHNSON: Mr. Harris corrected his and he doesn't get my more. We put the catch basins in.

MR. LINEDY: I have water in my basement which I never had before. I'm on the north side of Dean Hill where the trailer park is, not the big house in the front not the farm house is, the lower ranch house next to that I don't know what you'd call it, the watershed area, the swamp area.

MR. LUCIA: Could you indicate where your lot is?

MR. LINEDY: I'm on this side.

MR. LUCIA: Where it says section 65 and are you saying there is a water problem in your area on your side of Dean Hill Road?

MR. LINEDY: Right so where he's building is not even involved with me.

MR. LUCIA: How does the land slope?

MR. LINEDY: Right now everything comes down into this watershed area.

MR. LUCIA: So it drains from Dean Hill Road down to where it says section 65?

MR. LINEDY: It's a big swamp and you have a big trailer park behind me which drains down in there also. When that fills up, I don't know, there's more water there than there ever was before so.

MR. LUCIA: Applicant is on the other side of Dean Hill Road so you don't feel this will add to your existing water?

MR. LINEDY: I want to know what if anything he is going to do for drainage wise that was my main concern.

MR. LUCIA: How does the land slope on his side of Dean Hill Road?

MR. LINEDY: It comes down into that catch basin.

MR. LUCIA: Towards Dean Hill?

MR. LINEDY: Right as far as I know.

MR. LUCIA: Is there existing drainage on the sides of Dean Hill Road?

MR. LINEDY: Right now in front of my house there's just a ditch and that ditch has water in it cause I have water there since January 1st.

MR. TANNER: Is there drainage by this land?

MR. JOHNSON: Yes, we have, there's 3 catch basins over there that Mr. Harris put in.

MR. LUCIA: Just looking over your shoulder 206 then would be on the Harris property and one of them on this lot.

MR. JOHNSON: No, I have to put two in here, Mr. Harris had put the two in on his and there's one down lower.

MR. TORLEY: You're going to be placing additional catch basins to try and remedy drainage problem?

MR. LINEDY: That is from the top of the hill.

MR. JOHNSON: On my SECTION.

MR. LINEDY: That is going to be more water down into the bottom.

MR. JOHNSON: But it's not on your side, it's going towards Riley Road.

MR. LINEDY: That is what I am saying there's just a ditch.

MR. JOHNSON: This is draining somewhere it comes back into here.

MRS. HARRIS: We have pipes through there.

MR. JOHNSON: They are tied into something, somebody comes and cleans them you remember right in the road where the water out pipes that goes on that road and down. The reason you're getting water the guy that owns that property hasn't put it in there and it sits lower than anything else too.

MR. TORLEY: By this letter from McDonnell Custom Builders, there's additional building going on back further on Dean Hill Road. The drainage problem that you have may be more addressed by any developments that go on back there. When that occurs you might want to go to the Planning Board and talk to them. Drainage is not really our area of, it's not our jurisdiction. We thank you for bringing it to our attention but the Planning Board is really the place to go particularly with the additional developments going along.

MR. LINEDY: When can I find out when they are going to do these other things?

MR. LUCIA: I'm sorry, I didn't hear your question.

MR. LINEDY: When does McDonnell Corporation or whatever is going to do this other building or when are they meeting with the Planning Board?

MR. LUCIA: If he is just going to build a single family house, you're probably not going to get notice. If he goes for subdivision, you may be aware of the Planning Board application but they won't necessarily have to have a public hearing on it so.

MR. LINEDY: So just go into the Planning Board and see them first.

MR. LUCIA: What I would suggest submit correspondence to the Planning Board, explain the drainage problem in the area and ask the Town Engineer to look at it and at least that way they are aware as they are making any subdivisions in the Dean Hill Road Riley Road area, there are existing drainage problems which ought to be addressed as part the subdivision. You can also if there is a public hearing it will be advertised in the Sentinel, you can see that similar 2 lot subdivision there may not be a public hearing so you can't really depend on that. I would write, call the Town Highway Department if there's a ditch that isn't draining properly.

MR. LINEDY: That is who gave me a ditch, I used to have a drainage pipe through there, now I have a ditch.

MR. LUCIA: Are you opposed to this application or have no opinion?

MR. LINEDY: I was just concerned about the drainage, I mean the area that he is asking for I mean I understand what this gentleman was saying about how close it is to it, that is I mean he is going to build it one way or the other I mean I wish him the best of luck, I'm not, I have no qualms about it.

MR. LUCIA: I appreciate comment.

MR. LINEDY: He has the right to build on his land that is the reason that we got this thing.

MR. LUCIA: The board doesn't mean to turn a deaf ear, it's just something that is not within our jurisdiction, the Planning Board has a very limited jurisdiction by law and it only has to do in this case with the specific area variances so I gather you have no particular position on those?

MR. LINEDY: No.

MR. LUCIA: Thank you.

MR. TORLEY: Any further comment from the public? Seeing none, I'll close the public hearing and open it back to the members of the board.

MR. HOGAN: I would like to ask Mr. Johnson, I think at the last meeting that you were in front of us we asked you to give us some concept of what you were looking to put on the property in terms of size of the house.

MR. JOHNSON: Basically the size is somewhere around 40 by 80 with the garage.

MR. TANNER: Dan, he has a sketch here site plan sketch that might be helpful.

MR. HOGAN: That is inclusive of the garage?

MR. JOHNSON: Yes.

MR. TORLEY: And you've said that if you had to build within the existing requirements of setback, you wouldn't have a house that would be marketable?

MR. JOHNSON: It would be quite small, most houses are fairly good size.

MR. TORLEY: You're trying to build a house in the same character of the neighborhood?

MR. JOHNSON: Right, more like the one that is on the north side of me, they are like two story and a garage

they are basically three bedroom houses which is a good market house.

MR. TANNER: About how many square feet are we talking about?

MR. JOHNSON: With the garage, it's 24, I think.

MR. TANNER: With the garage?

MR. JOHNSON: Yes.

MR. HOGAN: Could you say that again?

MR. JOHNSON: Maybe not the garage.

MR. TANNER: That would end up with a fairly small house.

MR. JOHNSON: Garage not included it's about 2,400 square feet without the garage.

MR. TORLEY: No other comments, I'll entertain a motion.

MR. TANNER: I understand what the gentleman was saying about the setbacks to slightly reduce the sides of this and still come up with a marketable house.

MR. LUCIA: We are bound to grant minimum variances so if you want to, there are three separate except variance applications, if you want to make separate motions on each of the three or reduce proportionally the front yard setback you can do that.

MR. TORLEY: One alternative might be to say granting a 25 foot rear yard variance and a ten foot front yard variance. The house stays the same size but slides further back on the lot, is that something you might want to think about?

MR. TANNER: No, I'm just trying to if the character of the neighborhood is such that most houses are set back at least 35, 40 feet from the road.

MR. BABCOCK: 35 is the requirement.

MR. TANNER: I know. if some in the neighborhood are back farther than that, that we try and come as close to that as possible yet still giving him the home that fits in and is a marketable home.

MR. TORLEY: What's the feeling maybe go a smaller back yard and larger front yard?

MR. TANNER: What's on the back of your property?

MR. JOHNSON: There's another property in the back and there's a row of trees.

MR. TANNER: There's another home back there.

MR. JOHNSON: It's vacant land that is the gentleman I talked to who says he's saving it for his son. The setback of the property it's going to look like it sits farther back than it does because of the odd shape. So if we turned the house so that one point our minimum point is on one end and the other minimum point is on one end it will make the house look like it does sit back farther from the road. The way I have it right now it's parallel to the road but we can tilt it so that it does look like it sits back a little farther than it actually does but being with a pie shaped, you're going to have that even if you parallel to one of the lines, it's going to look farther back. You know if we move back part of the south side of the property, you're parallel to that and the front part is going to look like it's farther away from the road if we parallel with the road then the back part of the house is going to look like it's got more yard space.

MR. TORLEY: I'm more concerned about that. What you're suggesting instead of making the house parallel to the Dean Hill Road, you might consider rotating the house so it is more parallel to the back yard line thereby giving the appearance of larger setback from the front yard.

MR. JOHNSON: Setting back much farther. And it would be this section of the house would look like it's much

farther back in fact it probably would meet the 35 because the garage is on this side of the property so it would give the appearance that the house does sit much farther back.

MR. TORLEY: What kind of recalculation would it require for the variance?

MR. LUCIA: I'm not sure it would change the variance, it's still a minimum. I understand what you're saying and the board appreciates your offer but when you set the house on the lot it creates a front yard line and once that is established, you can go out to that line as long as you don't get closer to the road, even though the house if you say you want to extend the garage forward, you can do it as long as you're within the setback line of the house, although I appreciate what it is you're saying.

MR. BABCOCK: Swinging this end of the house back towards away from Dean Hill Road, it would still be the same distances off the road because it's the farthest corners, it's the closest corner to the road, these 2 corners are not effected by the variance, it's the far two.

MR. TANNER: It wouldn't effect our deliberations but from the point of view of aesthetics, it might mitigate that idea of it looking closer to the road, because you'd be bringing that corner of it back, if he was willing to make that concession.

MR. HOGAN: Conceptually what style house are you proposing?

MR. JOHNSON: It's a two story sort of a ranch style with another story on top, actually a half story.

MR. TORLEY: Like a Cape Cod kind of thing?

MR. JOHNSON: No, not really.

MR. TORLEY: My question would be how would we, I appreciate offer to make the rotation to try and make that house look further back from the road.

MR. LUCIA: It would not change the variance request but we could require that the house be sited so that it is parallel to the rear line rather than the front. One thing I just mentioned to Mike that you, once you establish that minimal front yard setback he can build up to that line so if he wants to put a big deck or an addition on the front of the house and make it L shaped, he has all that frontage unless we can so condition the variance to prevent him from doing that.

MR. TORLEY: How does that sound to you?

MR. TANNER: I think the impact as far as being closer to the road we're trying to hit some middle ground here between neighborhood concerns and allowing the man to build a home that looks similar to the other homes as far as size and so forth. I hate to see an odd shaped home there or a home that is much smaller than what's there. Houses below him are a decent size.

MR. HOGAN: I have a little trouble coming to grips with the dimensions of the house. I think the dimensions of the house would put us to the point where we're probably comparable to some of the larger homes in the area so that is certainly not a downgrade, possibly an upgrade. The dimensions, especially the side dimensions of the plan are for a 46 foot width on the house and an 81 foot overall length of the house.

MR. JOHNSON: That is just the overall square area, the house doesn't cover that because it had an odd shape so I am just taking my overall points and setback saying I can fit within that area of design, not that the house is actually going to be that square and that cause the garage sits down from the house and there's another part.

MR. HOGAN: Do you have anything that could help us come to grips with that?

MR. TANNER: This is what makes it difficult.

MR. JOHNSON: I was trying to see if I had other plans. I think, I thought I did.

MR. TORLEY: We have a sketch last time my recollection is what we used to call a Cape Cod.

MR. BABCOCK: I don't have anything.

MR. JOHNSON: I have a basic idea.

MR. TORLEY: The applicant is going out of his way to help meet the neighbor's concerns, rotate the house, try to make it set back further.

MR. TANNER: I also understand Dan's concerns, you're talking quite a wide house and without conceptual idea of what we're looking at.

MR. LUCIA: We can, if the board's pleasure is adjourn, allow Mr. Johnson to come in with a sketch plan and proposal if that would help any of the board members visualize how it is and how it should be on the lot.

MR. LANGANKE: I think that I'd be more comfortable if we can get something like that.

MR. TORLEY: The public hearing is not closed, it's been adjourned?

MR. LUCIA: Exactly.

MR. HOGAN: Did we ask for that last time?

MRS. BARNHART: I don't think so.

MR. TORLEY: In that case, I'll entertain a motion to adjourn this hearing until our next meeting.

MR. TANNER: I'll so move.

MR. LUCIA: That will be adjourned to May 24 then.

MR. HOGAN: I'll second that.

ROLL CALL

MR. HOGAN

AYE

May 10, 1993

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MR. TANNER	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE

MR. TORLEY: We've adjourned the public hearing till our next meeting which is the 24th. At that time, the public can come back and make any other further comments you want. We are not, there will be no new publication, if you have any neighbors you wish to inform, the 24th we will have another session which you can make other comments and sir, you'll be bringing some not detailed blue prints but some conceptual idea of what kind of house you intend to put up.

MR. JOHNSON: Okay.

MR. LUCIA: The board would like to see both front view of the house and you tell me that within this 46 by 81 foot box the house is going to be occupying only part of it, if you could give us an area view of what the house is going to look like so the board can conceptualize what the house is going to look like on the lot. It will help them deal with it a little bit.

MR. TORLEY: One personal concern I assume more of the bricks will be gone by then?

MR. JOHNSON: I'll talk to Mr. Harris about that.

MR. TORLEY: From the photographs, I see how some of the neighbors will be concerned.

MR. JOHNSON: I wouldn't have to bring new bricks, he's putting them on pallets and stacking them up real neat there so I am willing to buy some of them. Thank you.



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

24

April 16, 1993

Bryant Harris &
Floyd Johnson
PO Box 662
Newburgh, NY 12550

Re: Tax Map Parcel: 67-1-2.22
Owner: Bryant Harris

Dear Sirs:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$45.00, minus your deposit of \$25.00. Please remit the balance of \$20.00 to the Town Clerk's office.

Sincerely,

Leslie Cook (cc)

Leslie Cook
SOLE ASSESSOR

LC/cad
Attachments
cc: Pat Barnhart

McDonnell, William & Margaret
PO Box 995
Waitsfield, Vermont 05673

Wilson, Sam & Carrie
2 Riley Road
New Windsor, NY 12553

~~Harris, Bryant & Ella M.
Box 525
Vails Gate, NY 12584~~

Peterson, Alton & Alice
RD 2 Riley Road
New Windsor, NY 12553

Champagne, Linda J.
RD #2, Box 267A Riley Road
New Windsor, NY 12553

Sayegh, Joseph
RD #2 Riley Road
New Windsor, NY 12553

Barasky, David & Helen
269 Riley Road
New Windsor, NY 12553

Mula, Alice Mary
Box 282
Vails Gate, NY 12584

Gatto, Anthony Jr. & Dolores
RD 2 Riley Road
New Windsor, NY 12553

Cirelli, Ursula &
Foster, Patricia
66 Forge Hill Gardens
New Windsor, NY 12553

Gambino, Rose Marie
Box 271 Birch Drive & Riley Road
New Windsor, NY 12553

McCarthy, Paul & Donna
167 Riley Road
New Windsor, NY 12553

Stahl, Andrew A. Jr.
Box 166-Riley Road
New Windsor, NY 12553

Trizinsky, Leonard T. & Patricia D.
RR 2, 165B Riley Road
New Windsor, NY 12553

Miele, Oneillo
3 Allen Lane
Sloatsburg, NY 10974

Purdy, Frank D. &
Townsend, Dwight M. &
Husted, James C.
RD 2, Route 94
Box 108
Newburgh, NY 12550

Lynady, Gregory M. & Diane
262 Riley Road
New Windsor, NY 12553

Barger, Richard G. &
Stenger, David
894 Suite I, Route 52
Beacon, NY 12508

Mandato, Frank A. & Barbara J.
RD #2 Riley Road
New Windsor, NY 12553

Brandon, Alfred & Barbara J.
RD #2, Box 169 Riley Road
New Windsor, NY 12553

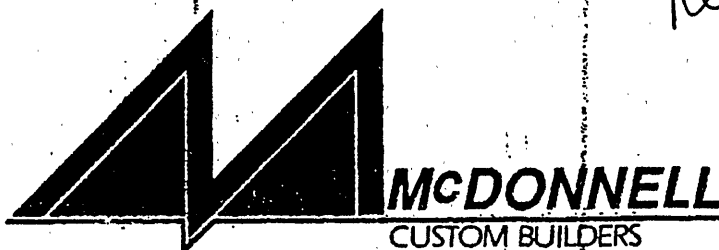
Fitzpatrick, Richard P. & Marie
RD 2 Riley Road **Box 168**
New Windsor, NY 12553

Sweeney, Leslie M. & Elizabeth P.
373 Undercliff Ave.
Edgewater, New Jersey 07020

Reed, Harvey & Ruby E.
PO Box 185
Vails Gate, NY 12584

Dantas, Allen & Kitty
590 Little Britain Rd.
New Windsor, NY 12550

Petrone, Michael
PO Box 673D
Monroe, NY 10950



Rec'd.
ZBA - 5/5/93 Re: Harris/Johnson
(PAB)

May 1, 1993

Ms. Myra Mason
Town of New Windsor Planning Board
555 Union Avenue
New Windsor, New York 12553

Re: Harris/Johnson variance
Section 67 Block 1, Box 2.22

Dear Ms. Mason:

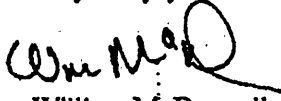
My wife and I own Lot 1, Block 1, Section 67 on Dean Hill Road and are abutters to the above parcel. We have received notice of the May 10, 1993 hearing for a variance and would like to express our concerns.

As you know, we have applied for a two-lot subdivision of our parcel. During a site visit in March of 1991, the planning board noticed debris and apparent dumping taking place on what they thought was our lot. As it turned out, this debris was located on the Harris/Johnson parcel. We would hope that any variance would be granted subject to the removal and cleaning up of this debris, if it has not already been taken care of.

Dean Hill Road is not paved for the entire length of our property, and our subdivision has been delayed for this reason. I believe a portion of the Harris/Johnson parcel fronts on an unpaved portion of Dean Hill Road as well. It is our understanding that town law requires a bond to be posted so the town road can be brought up to town road sub base specifications before any construction can begin. I am wondering whether the planning board will require the Harris/Johnson lot to post a bond for road improvement before granting a variance.

In the event we are not able to be at the meeting or have a representative there, I will be in touch with you to learn the outcome of the variance request.

Very truly yours,


William McDonnell

cc: Charles P. Obremski, Esq.

cc: Pat Kennedy, L.S.

5/10/93 - Public Hearing: Harris Johnson

#93-6.

Name:

Address:

objection

not
opposed

Richard P. Fitzpatrick

168 Riley Road

GREGORY M. LYNARDY

85 Riley Road

Carrie Wilson

266 Riley Road

Prelim.
March 22, 1993
93-6

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: FEBRUARY 10, 1993

APPLICANT: ELLA & BRYANT HARRIS
P.O. BOX 525
NEW WINDSOR, NEW YORK 12553

Floyd Johnson - contract purchaser.

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: FEBRUARY 10, 1993

FOR (BUILDING PERMIT): FOR ONE FAMILY DWELLING (Vacant lot).

LOCATED AT: DEAN HILL ROAD

ZONE: R-3

DESCRIPTION OF EXISTING SITE: SECTION 67 BLOCK 1 LOT 2.22

IS DISAPPROVED ON THE FOLLOWING GROUNDS: LOT DOES NOT MEET THE
MINIMUM LOT AREA FOR THE FRONT YARD AND REAR YARD.

1. FRONT YARD REQUIRES A VARIANCE OF 15 FEET.

1987

2. REAR YARD REQUIRES A VARIANCE OF 20 FEET.

3.

4.

5.

Frank Lini
BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-3	USE 9-E, 9-B, 9-C	REVISED 3-22-93
		9,801 SQ. FT

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DATE: FEBRUARY 10, 1993

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P.O. BOX 525
NEW WINDSOR, NEW YORK 12553

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(1987)

2. REAR YARD REQUIRES A VARIANCE OF 20 FEET.

3.

4.

5.

Frank Lin
BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-3	USE 9-E, 9-B, 9-C	REVISED 3-22-93
MIN. LOT AREA	32,670 SQ. FT. 22,869 SQ. FT.	9,801 SQ. FT. 980 SQ. FT.
MIN. LOT WIDTH		
REQ'D FRONT YD	35' 20'	15'
REQ'D SIDE YD	15' 15'	ADEQUATE
REQ'D TOTAL SIDE YD		
REQ'D REAR YD.	40' 20'	20'
REQ'D FRONTAGE		
MAX. BLDG. HT.		
FLOOR AREA RATIO		
MIN. LIVABLE AREA		
DEV. COVERAGE		

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises BRYANT HARRIS (Floyd Johnson)
Address P.O. Box 525, New Windsor Phone 562-2719 H
Name of Architect 565-8850 W
Address _____ Phone _____
Name of Contractor _____
Address _____ Phone _____
State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER, Builder FS
If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the Left side of DEAN HILL Road
(N.S.E. or W.)
and 300 feet from the intersection of Riley Road
2. Zone or use district in which premises are situated R3 Is property a flood zone? Yes No X
3. Tax Map description of property: Section 67 Block 1 Lot 222

CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
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Address P.O. BOX 525, New Windsor Phone 562-2719 H
Name of Architect 565-8850 W
Address _____ Phone _____
Name of Contractor _____
Address _____ Phone _____
State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER, Builder FS
If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the Left side of DEAN HILL Road
(N.E. or W.)
and 300 feet from the intersection of Riley Road
2. Zone or use district in which premises are situated R3 Is property a flood zone? Yes _____ No X
3. Tax Map description of property: Section 6.7 Block 1 Lot 2.22
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy _____ b. Intended use and occupancy 1 Family Home
5. Nature of work (check which applicable): New Building X Addition _____ Alteration _____ Repair _____
Removal _____ Demolition _____ Other _____
6. Size of lot: Front Rear 292.59 Depth 121.39 Front Yard 20' Rear Yard 20' Side Yard 15'
Is this a corner lot? NO
7. Dimensions of entire new construction: Front _____ Rear _____ Depth _____ Height _____ Number of stories 2
8. If dwelling, number of dwelling units _____ Number of dwelling units on each floor _____
Number of bedrooms 3 Baths _____ Toilets _____
Heating Plant: Gas _____ Oil X Electric/Hot Air _____ Hot Water X
If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost unknown Fee _____
(to be paid on this application)
11. School District Newburgh

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....

Approved.....19.....

Disapproved a/c.....

Permit No.

Refer -

Planning Board.....

Highway.....

Sewer.....

Water.....

Zoning Board of Appeals.....

Office Of Building Inspector

Michael L. Babcock

Town Hall, 555 Union Avenue

New Windsor, New York 12550

Telephone 565-8807

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Ella Mae Harris POA
(Signature of Applicant)

P.O. Box 525, Vails Gate, N.Y.
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.

N

Refer —

Planning Board.....

Highway.....

Sewer

Water

Zoning Board of Appeals

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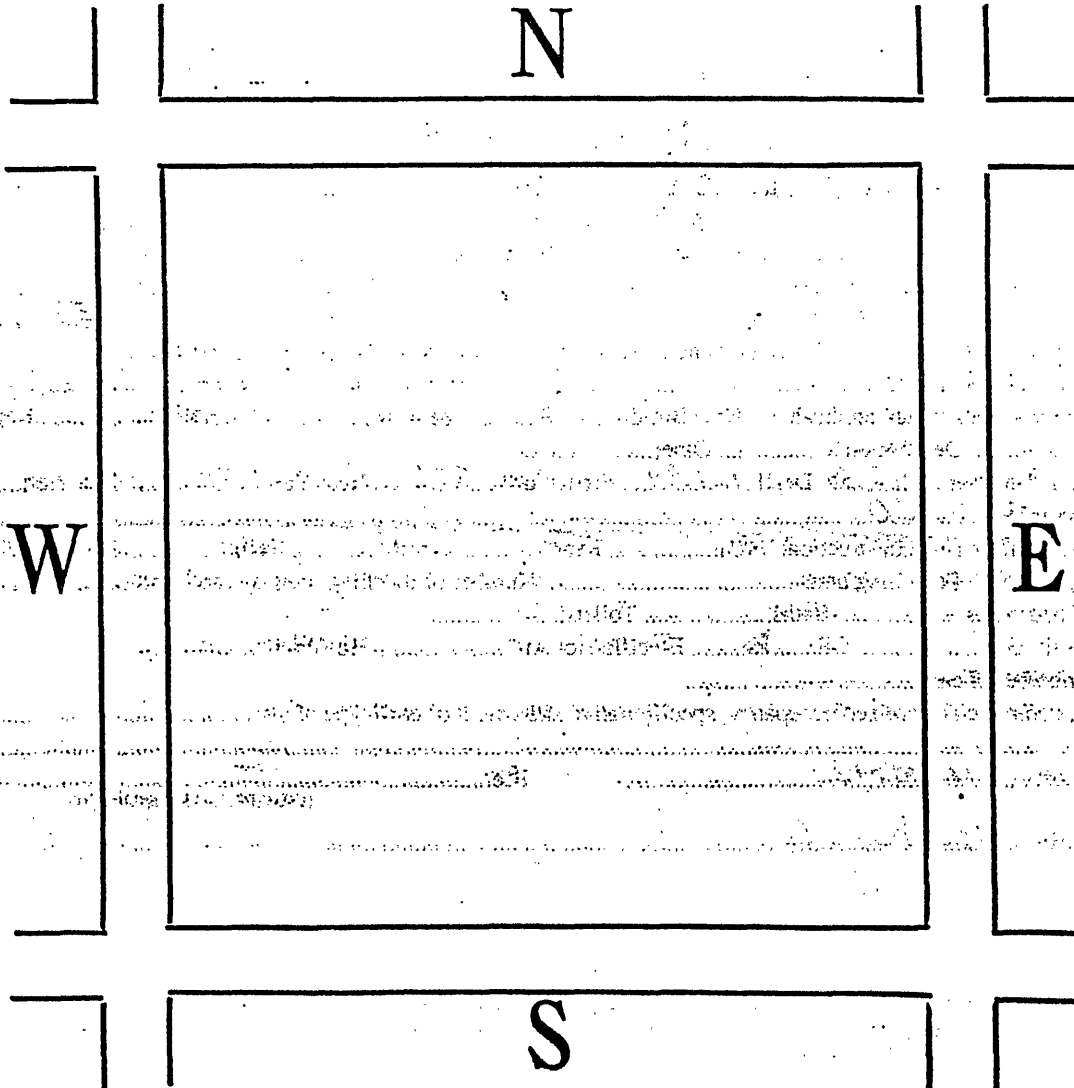
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(Signature of Applicant)

P.O. Box 525, Vails Gate, N.Y.
(Address of Applicant)

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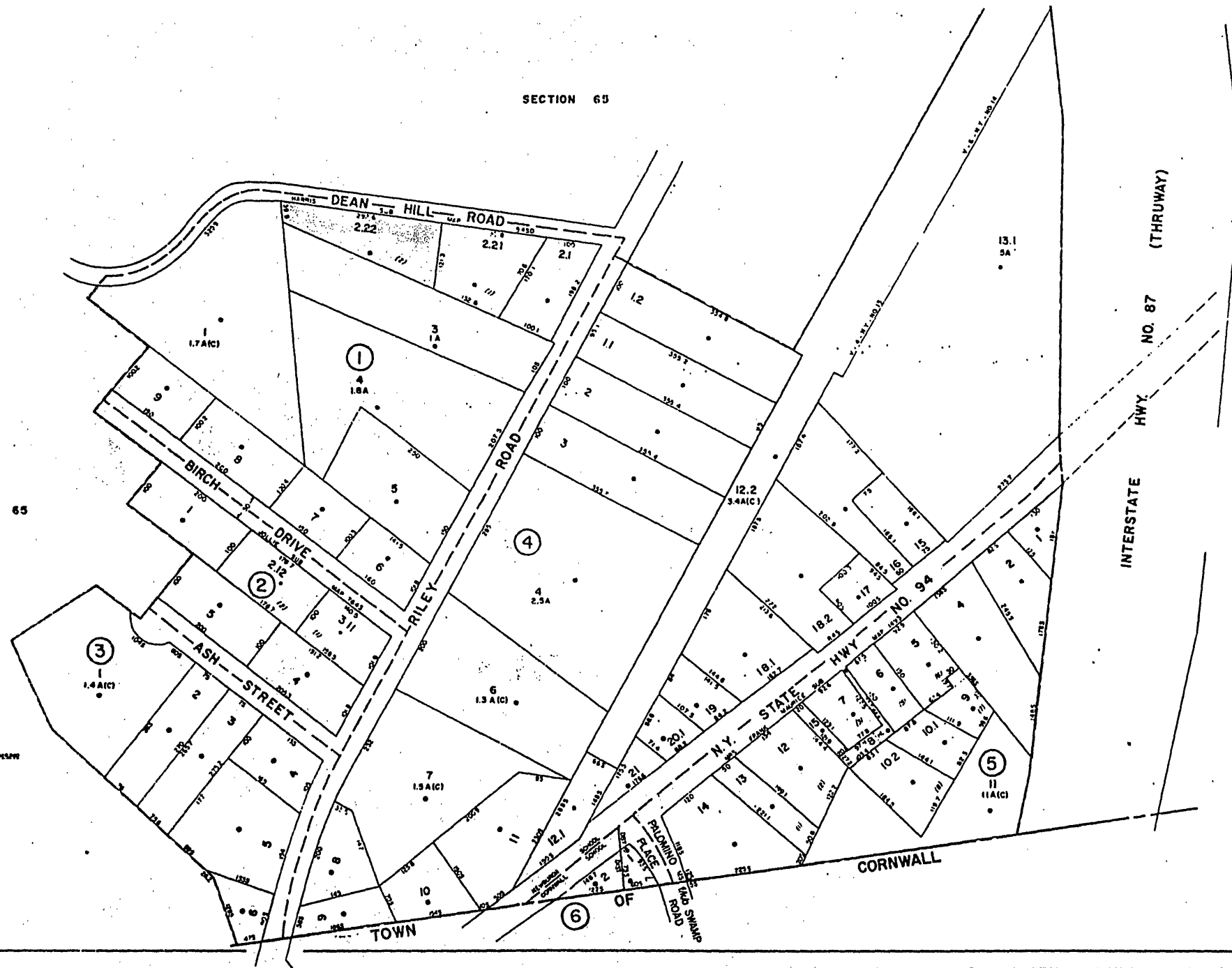
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SECTION 65

SECTION 69

SECTION 65



273

ALL VAILS GATE FIRE DISTRICT

Prepared by
SERVICE
TAX PURPOSES ONLY
BE USED FOR CONVEYANCE

LEGEND			
STATE OR COUNTY LINE	LOT OR BLOCK LINE	SEE MAP SHEET NO.	SEE MAP SHEET NO.
SECTION LINE	APARTMENT LINE	TAX MAP PARCEL NO.	TAX MAP PARCEL NO.
BLOCK OR REGION LINE	MATCH LINE	AREA	AREA
SPECIAL DISTRICT LINE	STREAMS	DIMENSIONS	DIMENSIONS
PROPERTY LINE			

ORANGE COUNTY~NEW YORK

Photo No. 8-487,488 Date of Map 3-24-57
Date of Photo 3-1-55 Date of Revision 3-1-91

Scale: 1" = 100'

TOWN OF NEW WINDSOR

Section No. 67

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

-----x
In the Matter of Application for Variance of

Bryant Harris / Lloyd Johnson,
Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

#93-6,
-----x

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age
and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On Apr. 19, 1993, I compared the 24 addressed
envelopes containing the attached Notice of Public Hearing with
the certified list provided by the Assessor regarding the above
application for variance and I find that the addressees are
identical to the list received. I then mailed the envelopes in a
U. S. Depository within the Town of New Windsor.

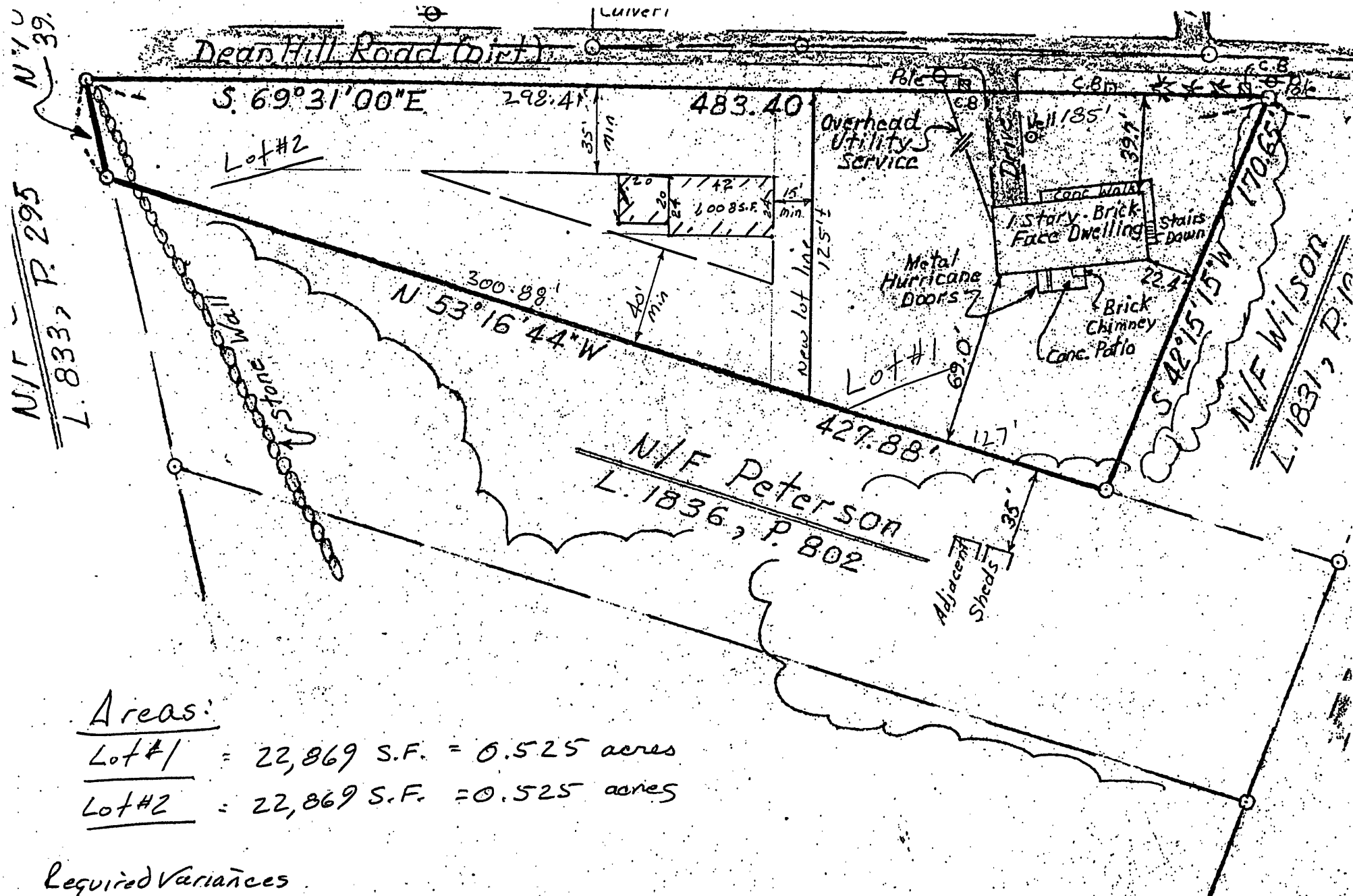
Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
19th day of April, 1993.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984066
Commission Expires July 15, 1993

(TA DOCDISK#7-030586.AOS)



Areas:

Lot #1 = 22,869 S.F. = 0.525 acres

Lot #2 = 22,869 S.F. = 0.525 acres

Required Variances

- I. Lot Area of 9,911 S.F. per lot;
- II. New lot requires a well as there is no town water in area.

NEW WINDSOR ZONING BOARD OF APPEALS

-----X
In the Matter of the Application of

DECISION GRANTING
AREA VARIANCES

BRYANT HARRIS

#87-17.
-----X

WHEREAS, BRYANT HARRIS, of Box 525, Riley Road, Vails Gate, New York 12584, has made application before the Zoning Board of Appeals for area variances for purposes of construction of two (2) one-family residential dwellings on Dean Hill Road in an R-3 zone; and

WHEREAS, a public hearing was held on the 11th day of May, 1987 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the applicant, Bryant Harris, appeared in behalf of himself; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission to construct two (2) residential dwellings on Dean Hill Road in an R-3 zone with insufficient lot area on Lots #1 and #2.

3. The evidence presented by the applicant substantiated the fact that the proposed construction would not be detrimental to the neighboring properties.

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. The evidence shows that the applicants will encounter practical difficulty if the variances requested are not granted due to the fact that applicant cannot obtain any additional property within which to construct residential dwelling.

2. The requested variances will not result in substantial detriment to adjoining properties or change the character of the neighborhood which is residential in nature.

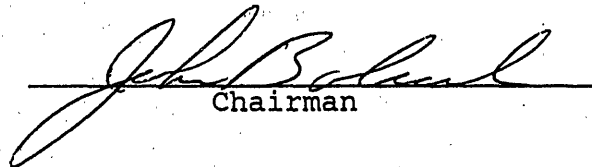
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT lot area variances of 9,911 s.f. for Lot #1 and 9,911 s.f. for Lot #2 for purposes of construction of two (2) residential dwellings in accordance with plans submitted at public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: June 8, 1987.


Chairman

Date 4/1/93, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 389 Moores Hill Rd DR.
New Windsor NY 12553

DATE			CLAIMED	ALLOWED
3/22/93		Zoning Board Meeting	75 00	
		Misc -2		
		Harris -6 27.00		
		Prudential -4 18.00		
		American Felt -10 45.00		
		Apache -24 108.00		
		Pizzo -33 148.50		
		Benmar -15 67.50		
		94	423 00	
			498 00	

March 22, 1993

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PRELIMINARY MEETING:

HARRIS, BRYANT/JOHNSON, FLOYD

MR. NUGENT: Request for 90 s.f. lot area, 15 ft. front yard and 20 ft. rear yard variances for construction of a single-family dwelling on Dean Hill Road in an R-3 zone.

Mr. Floyd Johnson and Mrs. Harris appeared before the board representing this proposal.

MR. NUGENT: Tell the board what you want to do.

MR. JOHNSON: What we're doing is we're going to buy the property from Mrs. Harris and what we need to know if it is a buildable lot. At one time, it was divided and we just want to make sure now that it is still a buildable lot and we want to build an one family home on it.

MR. NUGENT: You are Floyd Johnson?

MR. JOHNSON: Yes.

MR. LUCIA: The agenda shows request for 980 square foot lot area variance. I gather this is R-3 column A use 9, one family, sewer only, is that correct?

MR. BABCOCK: Yes.

MR. LUCIA: I gather the minimum lot area required is 32,670 square feet, the proposal shows 22,869 square feet. If that is a correct computation, the variance request should be 9,801 square feet, not 980 square feet. Unless the numbers are wrong.

MR. NUGENT: 670 is what's required.

MR. LUCIA: He shows proposed lot area 22,869.

MR. BABCOCK: That shows right on the survey.

MR. LUCIA: It was probably a typographical error,

March 22, 1993

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variance request should be 9,801 square feet rather than 980.

MRS. BARNHART: Michael, you want to change the denial on this one, please?

MR. BABCOCK: Sure.

MR. TORLEY: Are the other numbers correct, the 15 foot front yard.

MR. JOHNSON: Out of the--

MR. LUCIA: Rather than a variance of 980 square feet you need a variance of 9,801 square feet so it enlarges the scope of the variance but the principle is still the same but we need to get the numbers right because you're bound by the numbers you present to the board.

MR. LANGANKE: Can I see the map?

MRS. HARRIS: I'm not sure about that because that area was an acre and a half that we had subdivided equally.

MR. BABCOCK: It's on Dean Hill Road.

MR. NUGENT: The reason for the two variances is because it's a narrow lot, the lot is narrow from front to back, not left to right.

MR. BABCOCK: Right.

MR. LUCIA: It's not a very deep lot, doesn't sit, it's wide but not too deep.

MR. TORLEY: When was this lot subdivided?

MR. JOHNSON: I think in '87.

MR. TORLEY: How big is this lot in comparison to the other ones around it?

MR. BABCOCK: Should be on the tax map.

MR. JOHNSON: One next to it is about the same, it's

March 22, 1993

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about the same amount of footage, it's just that this one is like a pie.

MR. BABCOCK: This used to be R-4 and went to R-3 Zone.

MR. LUCIA: But any grandfathered status it would have had now expired.

MR. BABCOCK: It would have three years from subdivision approval.

MRS. HARRIS: Subdivision only lasts how many years?

MR. BABCOCK: Three years.

MR. LUCIA: Assuming it was an adequate size lot under the former zoning when they changed the zoning, you had three years in which to come in for a building permit in order to be grandfathered under the old ordinance. If this lot has been with these dimensions that you said 1987 you're beyond the three year period so you are doing what you have to do now in coming into this board for a variance.

MR. NUGENT: Are the front and rear yards still the same?

MR. BABCOCK: Well, the survey shows a minimum of 35 and a minimum of 40 but what they are saying they want to be 20 and 20, I assume that is what you have.

MR. TORLEY: What's shown on the sketch plan is not the house you intend to put on there?

MR. JOHNSON: No, that was done in '87.

MR. BABCOCK: That was part of the subdivision to prove that a house would fit on it in order to subdivide. Now she'd like to push those ahead 15 feet and also have a rear yard of only 20 feet. If they were to build a house that was there now and they were ever to put a deck on, they'd need a variance for the deck.

MR. JOHNSON: It limits me to what I can actually put in when you follow the 40 feet all the way up, you

March 22, 1993

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don't have much. So I just need a little more room to work with.

MR. NUGENT: This lot is pie shaped.

MR. JOHNSON: One of the designs that I am looking at is 58 by 68.

MR. TORLEY: Is this house you intend to put up you're asking for a variance does it cover any decks?

MR. JOHNSON: Yes.

MR. LUCIA: I would suggest you lay out that design carefully on the survey because this board only reacts to the numbers you give us. You come in and say you're looking for 15 foot front yard and 20 foot rear yard variance, you must build it within those parameters. I would be real confident of the numbers on your layout.

MR. JOHNSON: Well, that is what I am looking at so if I know what I have to work within then I can change it.

MR. TORLEY: This is an area that has septic, no water?

MR. BABCOCK: Sewer, no water. If it had no septic, if it was on septic, it would have to have an acre.

MR. NUGENT: R-3.

MR. BABCOCK: Yes, 43,560.

MR. TORLEY: One of the things that will come up is asking if you have taken steps to expand the lot area, have you spoken to Peterson or whoever the succeeding owner is, see if you can buy a piece of that land and expand your lot. That is the kind of thing you're going to be asked.

MR. JOHNSON: No, I haven't.

MR. NUGENT: Or that you can reduce the variance at all by changing the design of your house. These are questions that are going to be asked and we'd also like

to see some photographs of the property, you can take a couple of them, I don't know if you can get in there with the snow in relation to the road, see how it shows.

MR. BABCOCK: Just make some notes for yourself what they are asking you for is to bring that back at the public hearing, if they opt to set you up for one, you should make some notes.

MR. NUGENT: Anymore question by the board? I'll accept a motion then.

MR. HOGAN: I move we set them up for a public hearing.

MR. TANNER: Second it.

ROLL CALL

MR. HOGAN	AYE
MR. LANGANKE	AYE
MR. TANNER	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. LUCIA: You are applying for 3 area variances and the legal standard the board has when you come back to make that formal presentation is engaging in a balancing test to weigh the benefit to you if the variance is granted against the detriment to the health, safety and welfare in the neighborhood by granting you that variance from the zoning standards. There are 5 specific issues you need to speak to. I'm going to give you a copy of part of Section 267B of the Town Law. I'll just put an arrow in the margin, lists those five factors. When you come back, speak to those five specific issues and they are the test the board has in determining whether or not you're entitled to a variance. As Mr. Torley mentioned, you might want to speak to the neighbors to see if there's any possibility of acquiring additional land that you can put together with this to cut down your variance or make the variances unnecessary. If they say no, that is fine, just come back and tell the board that. When

March 22, 1993

7

you come back, explain the history, how you acquired the lot in this dimension and you thought that it was buildable at the time and the change in the zoning. I'd also like to see a copy of the deed and title policy or search, whatever you have to, bring those back to the public hearing and some photographs of the lot also please. There's instructions on the cover sheet there. If I have any problems, give Pat a call and return the application to her with two checks, both payable to the Town of New Windsor, \$50 application and \$250 deposit against Town consultant fees and various disbursements the board has in handling your application.

MR. TORLEY: Are you in contract for the lot now, is that it?

MR. JOHNSON: Yes.

MR. TORLEY: If you are not going to be back on the public hearing, you're going to need authorization to act as proxy.

MR. LUCIA: If you are going to be here personally that is fine.

MRS. HARRIS: I'll be here.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

93-6

Date: 3/30/93

I. Applicant Information:

- (a) Bryant Harris, P.O. Box 525 New Windsor 564-6089
(Name, address and phone of Applicant) (Owner)
- (b) Floyd Johnson P.O. Box 662, Newburgh, 562-2719
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- () Use Variance () Sign Variance
- (X) Area Variance () Interpretation

III. Property Information:

- (a) R-3 Dean Hill Road 67-1-4 22,869 SQ Ft.
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? _____
- (c) Is a pending sale or lease subject to ZBA approval of this application? yes.
- (d) When was property purchased by present owner? 1-3-68.
- (e) Has property been subdivided previously? yes.
- (f) Has property been subject of variance previously? NO.
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO.
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO
- _____

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____

(b) ^{11/11} The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Cols. C, E, G.

Requirements	Proposed or Available	Variance Request
Min. Lot Area <u>32,670 SQ Ft</u>	<u>22,869 SQ Ft</u>	<u>9,801 SQ Ft</u>
Min. Lot Width		
Reqd. Front Yd. <u>35'</u>	<u>20'</u>	<u>15'</u>
Reqd. Side Yd. <u>15'</u>	<u>15'</u>	<u>Adequate</u>
Reqd. Rear Yd. <u>40'</u>	<u>20'</u>	<u>20'</u>
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

property is shaped like a triangle with setbacks
as they stand leaving a building area of 1,000 SQ Ft.
which is too small and leaving no room for garage
or deck. Applicant attempted to purchase additional
land, but there is no additional land available.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: *N/A*

- (a) Variance requested from New Windsor Zoning Local Law,
Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4 <i>N/A</i>	_____	_____	_____

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

_____.

- (c) *N/A* What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

_____.

VII. Interpretation.

- (a) Interpretation requested of New Windsor Zoning Local Law,
Section _____, Table of _____ Regs.,
Col. _____.

- (b) Describe in detail the proposal before the Board:

_____.

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

The property will be consistent with other properties in design and construction in the area. The setbacks will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

IX. Attachments required:

- ✓ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
✓ Copy of tax map showing adjacent properties.

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Local Law on the following proposition:

Appeal No. 6

Request of Bryant Harris/Floyd Johnson

for a VARIANCE of

the regulations of the Zoning Local Law to

permit construction of single-family residential
dwelling w/ insufficient lot area, front yard & rear yard;

being a VARIANCE of

Section 48-12 - Table of Use/Bulk Regs. - Cols. C, E, G.

for property situated as follows:

Dean Hill Road, New Windsor, N.Y. -

Known as tax map Section 67-Blk. 1-

Lot 2.22.

SAID HEARING will take place on the 10th day of
May, 1993, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

James Nugent
Chairman



Hardenburgh Abstract Company of Orange County, Inc.

12 SCOTCHTOWN AVENUE, GOSHEN, N.Y. 10924
(914) 294-6909 (914) 343-6678 FAX: (914) 294-3530

Policy Writing Agent for

Fidelity National Title INSURANCE COMPANY OF PENNSYLVANIA

NWD-1073

PRELIMINARY CERTIFICATE

TITLE NO RD-33-23206

Application of Duggan, Crotty & Dunn, P.C. owners \$ 25,000.00
for lessee's \$
mortgagee's \$
policy insuring Floyd C. Johnson

FIDELITY NATIONAL TITLE INSURANCE COMPANY certifies that the title to the premises described in Schedule A, subject to the encumbrances and defects noted in Schedule B, is insurable at this date on a valid conveyance, lease or mortgage by Bryant Harris and Ella Mae Harris
who acquired title by deed from Michael Condon
dated 1/--/68 and recorded 1/31/69 in Liber 1811 at page 360

SCHEDULE A

All that certain tract of land lying and being in the Orange Town Orange of New Windsor,
County of Orange, State of New York, being more particularly described as follows:

See Schedule "A" attached.

SCHEDULE B

1. Taxes, Water Rents, Assessments and other Municipal Charges

See Tax Search attached.

Proof must be furnished that premises do not lie in an incorporated village or that all village taxes have been paid. Otherwise the policy will except "any and all village taxes, assessments and water rates and sales thereof."

2. Mortgages and Assignments thereof

Mortgagor: Bryant Harris
Ella Mae Harris

Mortgagee: Wallkill Valley Federal Savings
& Loan Association

Amount: \$ 21,000.00 Dated: 4/19/69 Recorded: 4/21/69 Liber 1530 Page 1084

SCHEDULE B (continued)

3. Restrictive Covenants, Easements, Agreements, and Consents, Including Set-Back Established by Filed or Recorded Map. Terms and Conditions on filed map. Grant in Liber 762 Cp. 291.

4. Survey: None - Subject to any state of facts an accurate survey or inspection would disclose.

5. Other Encumbrances or Defects:

How Disposed of

A. The Company does not insure that the buildings or other erections upon the remises herein, or their use, comply with Federal, State and Municipal Laws, regulations and ordinances.

B. No title to personal property will be insured nor has any search for financing statements been made.

C. No title is insured to any land lying in any street, road or avenue crossing or abutting the herein described premises; but, unless hereinafter excepted, the rights of access to and egress from said premises is insured.

D. Deeds and mortgages must contain the covenant required by the Lien Law as amended by laws of 1942 and such covenant must be absolute and not conditional. The covenant is not required in deeds from referees or other persons appointed by a court for the sole purpose of selling property.

E. The identity of parties at the closing of this title should be established to the satisfaction of the representative for this Company.

F. When the transaction is an assignment of a mortgage or other lien, an estoppel certificate executed by the owner of the fee and by the holders of all subsequent encumbrances must be obtained. When the transaction is a mortgage, the amount actually advanced should be reported to the Company.

G. Rights of present tenants, lessees or parties in possession.

H. Rights, if any, in favor of any electric light or telephone company to maintain guy wires extending from said premises to poles located on the roads on which said premises abut, but policy will insure, however, that there are no such agreements of record in connection therewith, except as may be shown herein.

I. Underground encroachments and easements, if any, including pipes and drains, and such rights as may exist for entry upon said premises to maintain, and repair the same, but policy will insure, however, that there are no such agreements of record, in connection therewith, except as may be shown herein.

J. The exact acreage of the premises herein will not be insured.

K. Riparian rights, if any, in favor of the premises herein are not insured.

L. Rights of others to drain through creeks or streams, if any, which cross premises and the natural flow thereof will be excepted.

M. No personal inspection of the premises has been made. Policy will except "Any state of facts which a personal inspection of the premises herein described would disclose."

N. Loss or damage by reason of non-compliance with the Federal "Truth In Lending Act."

O. Subject to any loss or damage resulting from a claim made against the insured title based upon operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

P. Mortgage shown herein to be considered or disposed of.

This title is certified down to the 20th day of March, 19 93 at o'clock M

Hardenburgh Abstract Company of Orange County, Inc.
by James V. Rinaldi

vh

NAME OF PARTY TO BE INSURED: Floyd C. Johnson

5. Other Encumbrances or Defects:

How Disposed of

- A. The Company does not insure that the buildings or other erections upon the remises herein, or their use, comply with Federal, State and Municipal Laws, regulations and ordinances.
- B. No title to personal property will be insured nor has any search for financing statements been made.
- C. No title is insured to any land lying in any street, road or avenue crossing or abutting the herein described premises; but, unless herinafter excepted, the rights of access to and egress from said premises is insured.
- D. Deeds and mortgages must contain the covenant required by the Lien Law as amended by laws of 1942 and such covenant must be absolute and not conditional. The covenant is not required in deeds from referees or other persons appointed by a court for the sole purpose of selling property.
- E. The identity of parties at the closing of this title should be established to the satisfaction of the representative for this Company.
- F. When the transaction is an assignment of a mortgage or other lien, an estoppel certificate executed by the owner of the fee and by the holders of all subsequent encumbrances must be obtained. When the transaction is a mortgage, the amount actually advanced should be reported to the Company.
- G. Rights of present tenants, lessees or parties in possession.
- H. Rights, if any, in favor of any electric light or telephone company to maintain guy wires extending from said premises to poles located on the roads on which said premises abut, but policy will insure, however, that there are no such agreements of record in connection therewith, except as may be shown herein.
- I. Underground encroachments and easements, if any, including pipes and drains, and such rights as may exist for entry upon said premises to maintain, and repair the same, but policy will insure, however, that there are no such agreements of record, in connection therewith, except as may be shown herein.
- J. The exact acreage of the premises herein will not be insured.
- K. Riparian rights, if any, in favor of the premises herein are not insured.
- L. Rights of others to drain through creeks or streams, if any, which cross premises and the natural flow thereof will be excepted.
- M. No personal inspection of the premises has been made. Policy will except "Any state of facts which a personal inspection of the premises herein described would disclose."
- N. Loss or damage by reason of non-compliance with the Federal "Truth In Lending Act."
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- P. Mortgage shown herein to be considered or disposed of.

This title is certified down to the 20th day of March, 19 93 at o'clock M

Hardenburgh Abstract Company of Orange County, Inc.
by James V. Rinaldi

vh

NAME OF PARTY TO BE INSURED: Floyd C. Johnson

FIDELITY NATIONAL TITLE INSURANCE COMPANY insures, subject to the matters shown in Schedule B, against loss or damage in the amounts set forth which its insured may sustain by the failure of this Preliminary Certificate to reflect correctly the record title to the property described as of the above date and hour; such insurance to be null and void unless the premium thereon is paid. Upon the issuance of said policy, this certificate shall be of no further force and effect and no liability for loss or damage will be assumed by the Company other than that arising under said policy.

Executed this day of , 19

FIDELITY NATIONAL TITLE INSURANCE COMPANY

By:

SCHEDULE "A"

All that certain tract of land lying and being in the Town of New Windsor, County of Orange, State of New York, being more particularly described as follows:

Being known and designated as Lot No. 2 on Map of Bryant Harris and Ella Mae Harris, dated 9/12/86 and filed in the Orange County Clerk's Office on 8/21/87 as Map No. 8450.

TAX SEARCH

TOWN OF NEW WINDSOR
COUNTY OF ORANGE
SCHOOL DISTRICT 331100
PROPERTY CODE 311

1992 TAX ROLL

Assessed To: Bryant and Ella Mae Harris

Bill No.: 8450

Bounded: ✓ Map 67 Block 1 Lot 2.22
293 x 121
Lot 2 Harris Sub. #8450

Assessed Value: Land: \$8,400.00
Full: \$8,400.00

1992 State, County and Town Tax \$373.06 - paid March 31, 1992.

1992/93 School Tax:

1st Installment \$123.41 - paid October 26, 1992.
2nd Installment \$123.40 - paid February 23, 1993.
3rd Installment \$123.40 - paid March 9, 1993.

1993 State, County and Town Tax \$373.74 - open.

Subject to Sewer and Water owing, if any.

Policy will except all unpaid water rates and/or sewer
rents or assessments in the absence of paid bills and
receipts to be presented at closing.
If the said premises are in an incorporated village,
village tax receipt must be produced.
Does not include assessments for any special district
not a part of the state and county tax roll.

Company excepts any liability or damage
due to the removal of premises from aged/
agricultural/veterans/exemptions.

Fred Sanntrock

to

Central Hudson Gas and
Electric Corporation, and
Highland Telephone Co.

Grant

Dated May 22, 1935

Cons. \$1.00 &c.

Ack. May 22, 1935

Rec. September 21, 1935

Book 752 Page 291

Grants and conveys unto said corporations and either of them, their respective successors, assigns and lessees an easement and right of way, in, upon, over, under and across the lands of the undersigned, including the roads and highways thereon and adjacent thereto, situate in the Town of New Windsor, County of Orange, State of New York.

Together with the right at all times to enter thereon and have access thereto and to construct, relocate, operate and maintain thereon and to repair, replace, protect and remove a line of poles including cables, wires, crossarms, guys, braces, underground conduits, and all other appurtenances or fixtures adapted to the present or future needs, uses and purposes of said corporations their respective successors, assigns and lessees.

Together with the right also to attach guy wires to trees on said property and to trim, cut and remove trees and other objects thereon so as to provide a clearance of 6 feet from the property of said corporations.

Said easement and line shall extend from the property line of Gerow Estate on the South to the property line of Wolff, West of the road and Veterans Memorial Association of Orange County, East of the road on the north. Said line to

follow Riley Road.

The exact location of said easement and line to be as determined by said corporations having regard to the origin, general direction and destination of said line and the requirements of said corporations.

Provided, however, that this right of way shall be void and of no effect unless construction hereunder is commenced on the property covered hereby on or before three years from the date hereof.

The provisions hereof shall apply to and bind the heirs, legal representatives, successors, assigns and lessees of the undersigned and of said corporations respectively.

* * *



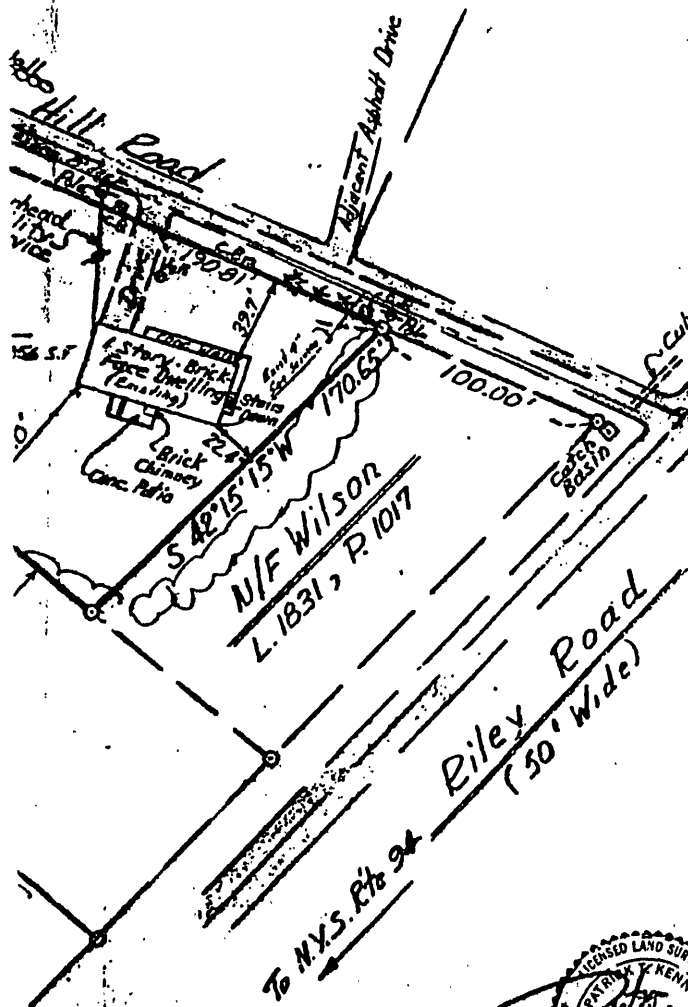
Section : 67
Block : 1
Lot : 2.2

Deed Reference:
Liber 2234, P. 544

Zoning District R-3
(Minimum Requirements)

Lot Area : 32,780 S.F.
Lot Width : 100'
Front Yard : 35'
Rear Yard : 40'
Side Yard : 15'
Both Side Yards : 15/30

Area : 1.050 acres



Final Site Plan
BY TOWN OF NEW WINDSOR PLANNING BOARD
ON AUG. 19, 1997
BY [Signature]
LANDSCAPE ARCHITECT

1. Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2 of the N.Y. State Education Law.
2. Only copies from the original of this survey marked with an original of the land surveyor's seal or his embossed seal shall be considered to be valid true copies.
3. Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveyors enacted by the New York State Association of Professional Land Surveyors. Such certifications shall run only to the person for whom the survey is prepared, are on his behalf to the firm or company, governmental agency and lending institution listed herein, and to the assignees of the lending institution. Certifications are not transferable to additional institutions or subsequent owners.
4. Unrecorded improvements or encroachments, if any, are not shown herein.



Patrick T. Kennedy L.S.
335 Temple Hill Road, New Windsor, New York 12550
SCALE: 1" = 50' APPROVED BY: [Signature] DRAWN BY: [Signature]



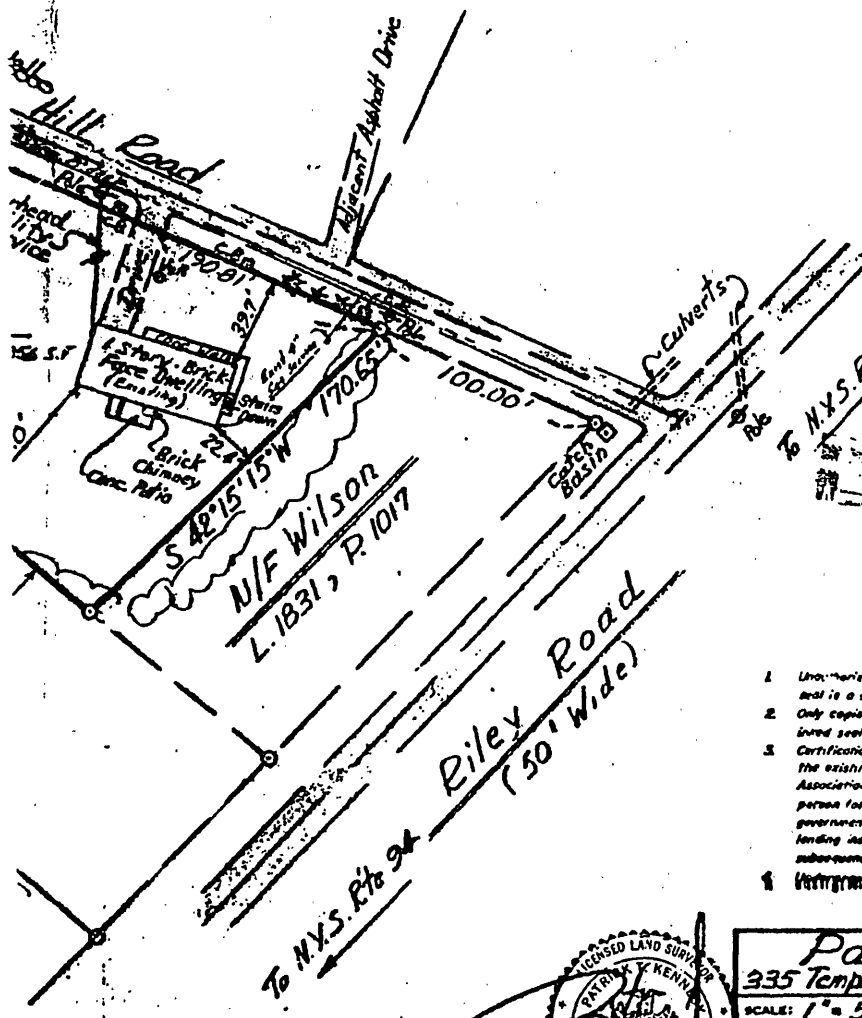
Section : 67
Block : 1
Lot : 2.2

Deed Reference:
Liber 2234, P. 544

Zoning District R-3
(Minimum Requirements)

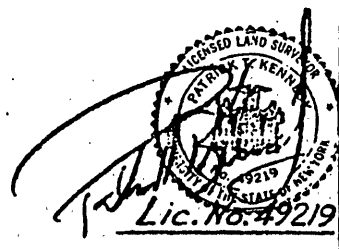
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Both Side Yards : 15/30

Area : 1.050 acres



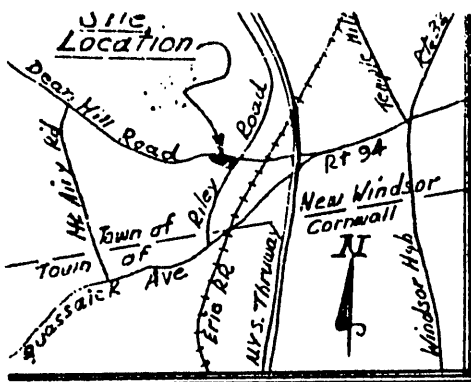
Final Site Plan
BY TOWN OF NEW WINDSOR PLANNING BOARD
ON Aug. 19, 1987
BY Richard Jones
LANDSCAPE ARCHITECT

1. Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2 of the N.Y. State Education Law.
2. Only copies from the original of this survey marked within original of the land surveyor's seal or his embossed seal shall be considered to be valid true copies.
3. Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveying enacted by the New York State Association of Professional Land Surveyors. Such certifications shall run only to the person for whom the survey is prepared or on his behalf to the firm, company, governmental agency and lending institution, and to the satisfaction of the lending institution. Certifications are not transferable to additional institutions or subsequent owner.
4. Untrue or false statements or misstatements, if any, are not shown herein.



Patrick T. Kennedy L.S. 335 Temple Hill Road, New Windsor, New York 12550	
SCALE: 1" = 50'	APPROVED BY:
DATE: Sept. 18, 1985	DRAWN BY:
SUBDIVISION OF LANDS FOR Bryant Harris & Ella Mae Harris Town of New Windsor Orange County, New York	
DRAWING NUMBER 86-567	

E. Harris

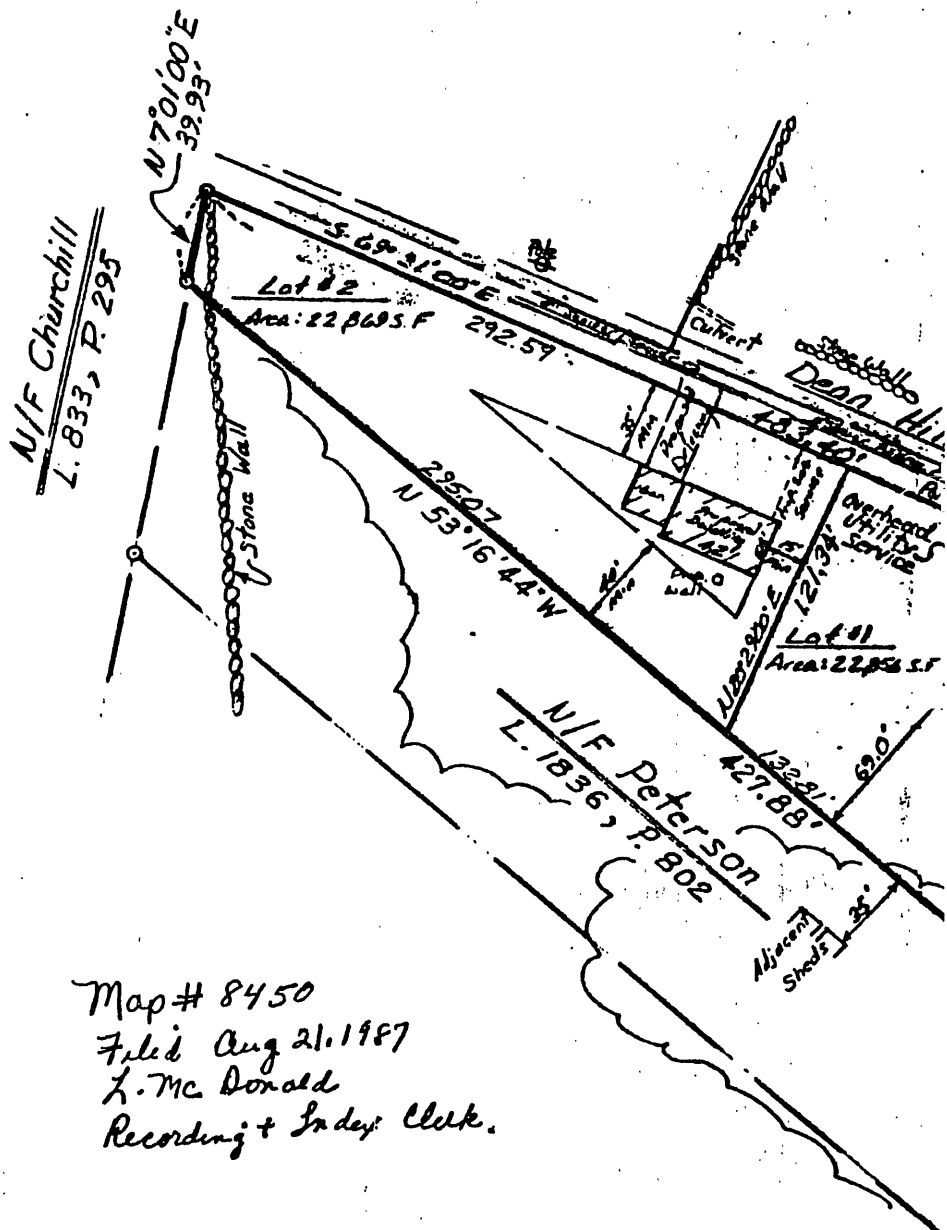


Location Map

Scale : $1'' = 2,000'$

Note:

A variance for proposed minimum lot area has been granted by the Zoning Board of Appeals by resolution dated June 8, 1987.



Filed Aug 21, 1987

L. Mc Donald

Recording & Index Clerk.

To Bryant Harris, Ella Harris,
and The Town of New Windsor
certified to be a correct and
accurate survey.

Dated: Sept. 12, 1986

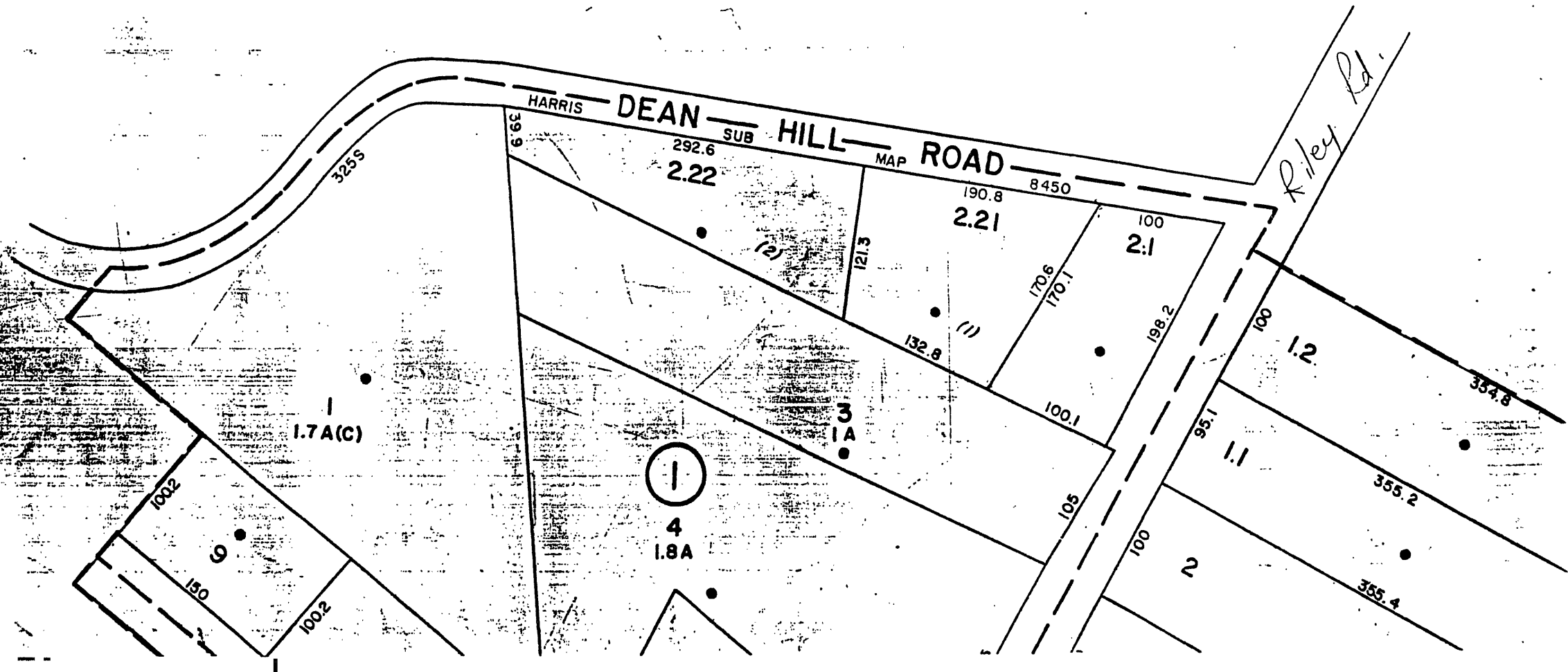
ORANGE COUNTY CLERK
FILED

FILED

1937 AUG 21 AM 10: 13

N T. NW 1/4
67-1-2, 22
1" = 100'

SECTION 65



Title No.

CLOSING INSTRUMENTS

Title closed at office of on 19.....

By

By delivery of the following instruments:

DEED (Designate Kind)

By

To

Dated

Cons. \$

☐ Insure for \$

DEED (Designate Kind)

By

To

Dated

Cons. \$

☐ Insure for \$

MORTGAGE (Designate Kind)

By

To

Dated

Amount, \$ payable in

Due

Interest % Interest days and

☐ Insure for \$

MORTGAGE (Designate Kind)

By

To

Amount, \$ Dated

Due Int % Int. days and

☐ Insure for \$

ASSIGNMENT OF MORTGAGE

By

To

Dated

Cons. \$

Assigns Mortgage Recorded in L Mp

☐ Insure for \$

By

To

Dated

Cons. \$

Assigns Mortgage Recorded in L Mp

☐ Insure for \$

SATISFACTION OF MORTGAGE

By

To

Dated

Satisfies Mortgage Recorded in L Mp

By

To

Dated

Satisfies Mortgage Recorded in L Mp

OTHER CLOSING INSTRUMENTS

.....
.....
.....
.....

.....
.....
.....
.....

PRESENT AT CLOSING

Sellers

Sellers Attorney

Purchasers

Purchasers Attorney

ENDORSEMENTS

Environmental []

Variable Rate []

Revolving Credit []

DEED (Designate Kind)

By

 To

 Dated
 Cons. \$
☐ Insure for \$

DEED (Designate Kind)

By

 To

 Dated
 Cons. \$
☐ Insure for \$

MORTGAGE (Designate Kind)

By

 To

 Dated
 Amount, \$ payable in
 Due
 Interest % Interest days and
☐ Insure for \$

MORTGAGE (Designate Kind)

By

 To

 Amount, \$ Dated
 Due Int % Int. days and
☐ Insure for \$

ASSIGNMENT OF MORTGAGE

By
 To
 Dated
 Cons. \$
 Assigns Mortgage Recorded in L Mp
☐ Insure for \$

By
 To
 Dated
 Cons. \$
 Assigns Mortgage Recorded in L Mp
☐ Insure for \$

SATISFACTION OF MORTGAGE

By
 To
 Dated
 Satisfies Mortgage Recorded in L Mp

By
 To
 Dated
 Satisfies Mortgage Recorded in L Mp

OTHER CLOSING INSTRUMENTS

.....

.....

PRESENT AT CLOSING

Sellers
 Sellers Attorney
 Purchasers
 Purchasers Attorney
 For Mortgagee
 Mortgagee's Attorney
 Broker
 Fee Policy is to be sent to
 Mtge. Policy is to be sent to

ENDORSEMENTS

Environmental	[]
Variable Rate	[]
Revolving Credit	[]
Market Value Rider	[]
Other	[]

Address
 Address

**PLEASE PRINT ALL NAMES
 INDICATE INSURANCE TO BE PROVIDED**

THIS INDENTURE, made the 3rd day of January, nineteen hundred and sixty-eight, BETWEEN MICHAEL CONDON, residing at 8 Carson Avenue, Newburgh, New York,

party of the first part, and BRYANT HARRIS and ELLA MAE HARRIS, his wife, both residing at Riley Road, Town of New Windsor, New York,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange and State of New York and bounded and described as follows:

BEGINNING at an iron pin at the intersection of the southerly line of Dean Hill Road with the northwesterly line of Reilly Road and running thence along Reilly Road South 41 degrees 00 minutes west 201 feet to an iron pin at the corner of land of Lodato; thence North 52 degrees 54 1/2 minutes west 532 feet more or less to land of Sanntrock; thence North 8 degrees 7 minutes west 55 feet more or less to the southerly line of Dean Hill Road and thence in an Easterly direction along the Southerly line of Dean Hill Road 600 feet more or less to the point or place of beginning.

BEING a portion of the premises conveyed by Grace V. Sanntrock to George Pares, by deed June 19, 1946 and recorded in Orange County Clerk's Office on August 13, 1946 in Book 1011 of Deeds at page 344, and BEING the same premises conveyed by Nicholas G. Blauvelt to Michael Condon, by deed dated October 5, 1968 and recorded in the Orange County Clerk's Office on October 7, 1968 in Liber 1805 of Deeds at Page 273.

SUBJECT to any state of facts an accurate survey might show and subject to the applicable zoning ordinances and covenants and restrictions of record affecting the premises.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO

THIS INDENTURE, made the 3rd day of January, nineteen hundred and sixty-eight, BETWEEN MICHAEL CONDON, residing at 8 Carson Avenue, Newburgh, New York,

party of the first part, and BRYANT HARRIS and ELLA MAE HARRIS, his wife, both residing at Riley Road, Town of New Windsor, New York,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange and State of New York and bounded and described as follows:

BEGINNING at an iron pin at the intersection of the southerly line of Dean Hill Road with the northwesterly line of Reilly Road and running thence along Reilly Road South 41 degrees 00 minutes west 201 feet to an iron pin at the corner of land of Lodato; thence North 52 degrees 54 1/2 minutes west 532 feet more or less to land of Sanntrock; thence North 8 degrees 7 minutes west 55 feet more or less to the southerly line of Dean Hill Road and thence in an Easterly direction along the Southerly line of Dean Hill Road 600 feet more or less to the point or place of beginning.

BEING a portion of the premises conveyed by Grace V. Sanntrock to George Pares, by deed June 19, 1946 and recorded in Orange County Clerk's Office on August 13, 1946 in Book 1011 of Deeds at page 344, and BEING the same premises conveyed by Nicholas G. Blauvelt to Michael Condon, by deed dated October 5, 1968 and recorded in the Orange County Clerk's Office on October 7, 1968 in Liber 1805 of Deeds at Page 273.

SUBJECT to any state of facts an accurate survey might show and subject to the applicable zoning ordinances and covenants and restrictions of record affecting the premises.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

AND the party of the first part covenants as follows: that said party of the first part is seized of the said premises in fee simple, and has good right to convey the same; that the party of the second part shall quietly enjoy the said premises; that the said premises are free from incumbrances, except as aforesaid; that the party of the first part will execute or procure any further necessary assurance of the title to said premises; and that said party of the first part will forever warrant the title to said premises.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Vincent Green

Michael Condon (L.S.)

STATE OF NEW YORK, COUNTY OF *Orange* SS:

(On the *3rd* day of *January* 19*69*, before me personally came *Michael Condon*

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

Vincent Leaver

VINCENT LEAVER
Notary Public, State of New York
No. 461611100
Qualified in Orange County
Commission expires March 30, 1970

STATE OF NEW YORK, COUNTY OF SS:

(On the day of 19, before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the

and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF SS:

On the day of 19, before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF SS:

On the day of 19, before me personally came to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

TITLE No.

MICHAEL CONDON

TO

BRYANT HARRIS and

ELLA MAE HARRIS, his wife

Warranty Deed

WITH FULL COVENANTS

The land affected by the within instrument lies in Section in Block on the Land Map of the County of

RECORDED AT REQUEST OF

Harp, Hark + Harp
835 Chestnut St

Box 349

New Paltz, N.Y.

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LIBER 1811 PG 361

Orange County Clerk's Office, s.s.

Recorded on the *3rd* day

of *Jan* 19*69*

Deeds 1811
360

C. N. Winters Clerk